

16798

CONGRESSIONAL RECORD — SENATE

September 23

butcher shop in Moscow which Soviet police closed recently because of alleged unsanitary conditions. The baking of matzos for Passover has been prohibited for the last 2 years, and just 2 days ago the appeal was rejected of three elderly Jews who had been in prison for baking matzo in their own home and selling them.

Countless other vicious measures are being employed by the Soviet Government to break down Jewish religious loyalty and cultural identification. No communication with Jews outside the U.S.S.R. is permitted; religious teaching is forbidden; no Jewish books or periodicals are permitted; no theater, no vestige of Jewish culture is allowed to exist.

Let us make no mistake about Chairman Khrushchev's determination to weaken Jewish life in the Soviet Union. Russian Jews are cut off from the rest of the world; they cannot speak for themselves because they live in a closed society where free speech does not exist. They dare not show their interest in Israel, because of fear of reprisals. On their domestic radio they can hear only the voices of pro-Arab propagandists parroting the cruel and flinty anti-Israel line.

The world must protest loud and long if there is to be any hope for the captive Jews of the Soviet Union. Past experience shows that Chairman Khrushchev is sensitive to any charge of anti-Semitism. The Soviets pride themselves on having made anti-Semitism a criminal offense—even though this law is seemingly honored more in the breach than in the observance. In view of the insistent and reliable reports which continue to come out regularly, the Kremlin owes the world an explanation which should be clear, unequivocal and backed by action to show it means to implement its anti-Semitic law.

Quiet protests even on a high level apparently will not work. President Eisenhower in 1959 told Chairman Khrushchev of the great concern of Americans about the treatment of Soviet Jews during the Camp David discussion period. This was followed up by former Secretary of State, Christian Herter, who again expressed our concern this time to Soviet Foreign Minister Gromyko and by others. Efforts in the United Nations have so far not proved effective. World-wide protest is needed.

The ghastly history of Germany's Jews in the 1930's and 1940's, and of Stalin's "Jewish doctor's" terror, are a constant reminder to the world that timely vigilance and protest are demanded of us all. We must do everything in our power individually and collectively to sound the alarm and speak out against the grave danger to Jews in the U.S.S.R. A great surge of indignation—the determined protests not only of Jews but of all free peoples who treasure the rights of the individual must sweep across the world powerfully enough to stop the deadly progression of Soviet anti-Jewish actions.

I ask unanimous consent to have printed at this point in the Record an editorial from the New York Herald Tribune of today, entitled "Executing

the Rabbis," and an article from yesterday's New York Times.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

(From the New York Herald Tribune, Sept. 22, 1963)

EXECUTING THE RABBIS

Russia, we know, is a land of contrasts, but some of the contrasts being provided by a prominent Soviet citizen, Nikita Khrushchev, give cause for considerable concern. On the one hand, he is credited with having relaxed the iron grip of previous Russian rulers. But on the other, he is about to commit a barbarous act of which not even his inhumane predecessor, Stalin, had been accused.

We refer to the sentencing of a Russian rabbi to death on charges that he had committed "economic crimes." No one in the civilized world can possibly accept capital punishment as a penalty for engaging in currency exchange, even if the rabbi were guilty of that offense. If Mr. Khrushchev carries out the sentence, we shall have to conclude that the only way he finds it possible to exterminate Judaism in the Soviet Union is by executing its rabbis.

(From the New York Times, Sept. 22, 1963)

U.S. JEWS PROTEST TO SOVIET ON RABBI SENTENCED TO DEATH

(By George Dugan)

The Rabbinical Council of America, representing more than 850 Orthodox rabbis, has lodged a formal protest with the Soviet Embassy over the death sentence imposed on a rabbi last month by a Soviet court for alleged speculation in foreign currency and gold.

In a letter to Anatoly F. Dobrynin, Soviet Ambassador to the United States, Rabbi Abraham N. Avrutick, president of the council, charged that the sentence "leaves us with a feeling that a campaign is being waged against religious Jewry in Russia."

The letter dated September 6, continued: "We feel that it is indispensable that the Soviet authorities grant full civil, religious, and communal recognition to the rights, guarantees, and privileges of this Jewish citizens. Surely, a great country like Russia should not have to persecute a small minority of dedicated people. It hardly adds to the dignity of your country or its reputation in the council of nations."

ONE OF THREE CONDEMNED

The rabbi condemned by the Soviet court was identified by the Russian Republican newspaper, Sovetskaya Rossiya, as B. Gavrilov. The newspaper reported that the sentence was handed down after a 3-week trial in the Caucasus spa of Pyatigorsk.

The rabbi was one of three persons condemned for so-called economic crimes. He was said to have set up a "real money-changing office" at his home according to the Soviet newspaper. It did not indicate whether he headed a congregation.

Rabbi Bernard Twersky, press officer for the Rabbinical Council, said that if no answer was received "in a few days" the U.S. Government would be asked to intervene with the Russian delegation at the United Nations.

Dr. Nahum Goldman, president of the World Jewish Congress, reported on September 12 a slow but steady deterioration in the position of Jews in the Soviet Union. He said he believed the entire Soviet Jewish community was being dismantled and spoke of the exceptional ferocity that was applied to Jews convicted of economic offenses. Quoting figures in the Soviet press, he said 140 persons had been condemned between July 1, 1961, and July 1, 1963. He also proposed reviving a campaign to mobilize world

opinion to bring about a more tolerant Soviet attitude. His report was submitted to members of the international conference on the situation of the Jews in the Soviet Union.

PENALTY CALLED EXCESSIVE

In his letter to the Soviet Ambassador, Rabbi Avrutick said that while the council cannot comment on the nature of the charge against Rabbi Gavrilov because of lack of information, "We do feel that the penalty far exceeds the alleged crime." A similar protest was voiced last week by Rabbi Yitzhak Nissim, chief rabbi of Israel.

Meanwhile, the rabbinical assembly, an international association of conservative rabbis, has asked its members to devote their Yom Kippur sermons to the plight of Jews in Russia. Yom Kippur, the Day of Atonement, begins at sundown on Friday.

The request was issued by Rabbi Theodore Friedman, president of the assembly.

"All reliable observers agree," he said, "that unless some significant shift in the Soviet position vis-a-vis Jewish religious and cultural life in Russia takes place within the next decade or so, that once great reservoir of Jewish life is doomed to extinction."

"There is no more suitable occasion for bringing this situation to the attention of our people as effectively as we can, than on the high holy days, when we discuss the fate and future of our people."

DCI

THE NUCLEAR TEST BAN TREATY

The Senate resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater.

Mr. MOSS. Madam President, I shall vote to approve the nuclear test ban treaty. I will do this in soberness and after full and deep study and reflection. I will not seek sensationalism by claiming motives which override threats of political oblivion.

This is a time to do one's duty and to forget political advantage. This is the time to reaffirm the bipartisan nature of our dedication to basic foreign policy. The vote of the Foreign Relations Committee and the support given by the distinguished minority leader and the distinguished assistant minority leader encourages me to believe the Senate majority in favor of ratification will be overwhelming.

The signing of a nuclear test ban treaty is a continuation of a policy consistently followed by previous Democratic and Republican administrations. We were reminded of this forcefully by my colleague, the junior Senator from Illinois, last week when he so eloquently emphasized statements in the Republican platform of 1960. It stated:

We advocate an early agreement by all nations to forgo nuclear tests in the atmosphere, and the suspension of other tests as verification techniques permit. We support the President in any decision he may make to reevaluate the question of resumption of underground nuclear explosions testing.

Senator DIRKSEN added:

I do not subscribe lightly to party platforms. I have served on the platform committee of my party when such solemn words were indited. We advocate an early agreement by all nations to forgo nuclear tests in the atmosphere. This is what we seek in the treaty today.

1963

CONGRESSIONAL RECORD — SENATE

16799

My colleague also said he regarded platform commitments "a covenant made to be kept."

In like manner, the Democratic platform of 1960 stated:

Our primary task is to develop responsible proposals that will help break the deadlock on arms control. Such proposals should include means for ending nuclear tests under workable safeguards.

My colleague the senior Senator from Idaho [Mr. CHURCH] reminded us in his statement that U.S. efforts for international control date back to less than a year after Hiroshima and Nagasaki, when in the United Nations our spokesman offered the original proposal in words which I believe will be immortal:

We are here to make a choice between the quick and the dead. That is our business.

I am extremely hesitant to rephrase that solemn observation, but the fact remains that we today are here to make a choice between the quick and the dead tomorrow. This is our business.

Our strivings for some international formula to govern the use of atomic energy have continued since we first took the initiative with Mr. Baruch speaking for us. Those efforts have borne fruit in the nuclear test ban treaty before us.

No matter of this significance should be ratified without the most careful consideration—and this the treaty has had, from several committees and from Members on both sides of the aisle.

Most of the attention in these deliberations has gone to the effect of the treaty on the military defense of the free world. And it is inevitable that such military considerations come first.

Regardless of the dangers in continued nuclear testing, we should not discontinue if the military risks are too great.

The development of superweapons—and the means of delivering them—has put the civilian population of our Nation on the frontline. We can no longer separate combatants from noncombatants.

The risks are great, but certainly no greater than now.

I understand that the great weight of military, scientific and diplomatic opinion is that the treaty is acceptable—that it is in fact a gain for our military security.

The terms of the treaty were most carefully negotiated.

The Secretary of Defense and the Joint Chiefs of Staff have testified in favor of ratification.

More than 40 Nobel laureates have made public their approval of the test ban treaty and subscribe to the belief that this treaty "marks a significant if minimal first step in reducing tensions of a continued nuclear arms race thereby enhancing the security of the United States."

Our President has spoken to all the world, before the United Nations, pledging America to continue our search for peace. However, it is not to the military but rather to the treaty's other aspect—the need to limit radioactive fall-

out—that I shall direct most of these brief remarks.

In the present instance, Madam President, the Greeks do not have a word for it. We must turn to the Japanese for the best description—shi no hai, ashes of death—and history has made the Japanese the best knowing to father that phrase.

Members of this body face a choice. They can favor conserving the first "small ray of light" to pierce the deepening gloom of many years. Or they can condone an intensification of that darkness, regardless of how more densely flecked it becomes with ashes of death.

If that expression is too blunt for the sensibilities of any of my colleagues, they are free to substitute for it the synonym—radioactive fallout.

To my mind, an end to the production of more ashes of death in an already contaminated atmosphere is the heart of of the question before us. It is the principal reason why approval of the nuclear test ban treaty has my staunchest support.

What have been the injurious effects in this country of radioactive fallout to date? Geneticists can only theorize. It will take generations in all likelihood to confirm their theories.

As the world-renowned authorities on radiation, Drs. Schubert and Lapp, warned us several years ago when they discussed radiation hazards:

We are now some 60 years separated in time from that historic moment when Dr. Roentgen discovered X-rays and gave to his fellow man the priceless gift of radiation. With it science has been granted the power to explore the unknown and to penetrate into the subtle mysteries of living cells. The witless cells seem to have resented this intrusion into their private life. The cells and genes—man's structural entities and the patterners of his future—tolerate so much radiation and then they revolt.

Man's understanding of the gene and its role in the building of a complex biological organism is exceedingly primitive. But poor though this knowledge is, we know enough to foresee dreadful consequences if radiation hazards multiply and are uncontrolled. How fortunate it is that our discovery of radiation is paralleled by our knowledge of its deleterious effects upon the gene. Otherwise, ignorance of the consequences of irradiating man might induce great recklessness. Some may say that man adjusts to all things and that some day he may learn to live with radiation too. If man emulated the fruit fly in his breeding habits, perhaps this optimism might be justified and the earth would eventually be peopled with radiation-resistant individuals strong enough to survive. But man is no fruit fly. If he learns to live with radiation, it will be only through mastering its use and controlling its hazards.

The new figures on the quantities of radioactive iodine to which my State of Utah has been subjected provide shocking evidence of the terrible unknowns that can exist in the nuclear field.

A new study by the U.S. Public Health Service has been prompted by the fact that Utah and Nevada have been exposed to high levels of radioactive iodine.

While we are aware of the role of large amounts of radiation in causing leukemia and other forms of cancer, much more

must be learned about the effect of low-dose radiation such as that imposed by fallout. For these reasons, among others, we must limit or cease atmospheric, water, or soil contamination.

Through the treaty discussions this question has frequently been put: What has caused Mr. Khrushchev to change his mind?

Some claim to fear that this apparent change of heart means possession by the Russians of an unrevealed advantage in weaponry.

The distinguished chairman of the Foreign Relations Committee gave attention to the question in his opening remarks on the treaty. Both the President and Secretary Harriman have included it in their discussions.

On September 12, the Washington Post suggested that the hazard to the world's health may have had much to do with Mr. Khrushchev's decision, saying:

As early as December 1961, N. P. Dubinin, of the Institute of Cytology and Genetics, wrote in a Soviet scientific journal an article on the "Analysis of the Effect of Radiation on Cellular Nuclei of the Culture of Embryonal Human Tissues." He concluded: "The effect of ionizing radiation in the range of small doses, starting with fractions of roentgens and higher, acting on humanity as a whole, represents a real danger to future generations and threatens the irradiated individuals themselves as possible causes of malignant tumors."

The weight of the world's scientific opinion is that radioactive fallout from testing has increased (and future testing would further increase) the hazards due to natural radiation; that any increase is likely to cause some additional somatic and genetic damage.

It is well known that Americans and Russians working in scientific and technical fields have been able to talk to each other freely and fruitfully. Our cultural exchanges have been most successful and our exchange of knowledge in fields of production has brought benefits to both countries. I speak from personal experience.

In 1959, I headed a special subcommittee of the Senate Committees on Public Works and Interior and Insular Affairs to Russia. Our mission was to compare Russian hydroelectric development with ours. We traveled 18,000 miles in the Soviet Union making the inspections upon which our report was based. We were cordially received. The subject of our visit was freely discussed.

The private power industry has also sent inspection teams to Russia. I understand that they, too, were well received and dealt with frankly. Since our visit, the Russians have sent power ministry officials here to view our electric power projects. Similar exchanges have taken place in other fields of interest.

Surely it is a reasonable assumption that the Russian scientists and industrialists and most certainly the people are quite as concerned as ours with limiting the poisoning of the atmosphere, and have made this point with the Russian Government. Even a dictatorship is subject to pressures of its people.

In their public statements, treaty opponents have stressed the fact that the

16800

CONGRESSIONAL RECORD — SENATE

September 23

atmospheric content of radioactive pollutants is well below what is believed to be tolerable levels.

Yet closer examination shows this to be one of the strongest arguments in favor of ratification of a test ban treaty here and now.

Let us remind ourselves that the contamination of the environment of which we are the creatures is a problem which our generation is the first to face.

As we continue to unlock the secrets of the universe, as we put to work more and more of the earth-stored energy that is our common heritage, we must begin to fashion safeguards against contamination of our environment.

The problem which forces our consideration of the nuclear test ban treaty today is but one manifestation of the growing power of man. It is but the most dangerous aspect of a problem which, to an evergrowing degree, must demand our attention.

In the weapons field, and in others, we have unleashed forces which we must learn to control.

The report of the Senate Select Committee on National Water Resources and the water pollution abatement legislation we are even now considering have made us aware of the contamination of our waterways.

The dangers of new pollutants such as pesticides and herbicides have recently received much publicity.

In the Public Works Committee we have just been holding public hearings on the air pollution that is a growing menace to our large cities.

And the committee has this year created a new Subcommittee on Air and Water Pollution.

If we are wise, we will take steps in time to meet the dangers of which I speak.

And we are fortunate that we have this opportunity to consider the treaty while radioactivity remains at tolerable levels. Were the radioactive pollution of the atmosphere as far advanced as the contamination of our waterways or the air over our cities, we should have no choice but to ratify. Because it is less is no reason to delay.

In ratifying this treaty we do not abandon military consideration, for we can vote, secure in the knowledge that, if this treaty does not succeed we can at once begin to conduct more atmospheric tests.

But surely it is of the greatest importance that we do try, that we do take what may be only a first step toward that goal which must be reached if the race is to survive.

The question of proliferation of nuclear powers is one which the opponents of the treaty have almost completely ignored.

If several nations begin testing, a dangerous increase in the atmospheric content of ashes of death is almost sure to occur.

Few countries, it is true, now have the means to develop nuclear weapons. But many have the knowledge. With the speed of change in our world we have no way of knowing how soon technological advancement and human ingenuity may

bring an atomic or a nuclear capability within the means of many nations.

We must hope this treaty—in combination with overwhelming world opinion—will prevent proliferation. Otherwise we may face the gravest decisions on how we can impose on sovereign nations controls for which there are no precedents or sanctions in international law or experience.

My correspondence indicates that many of our countrymen seem to assume that invoking the 90-day abrogation clause would be a breach of the treaty.

I do not so regard it. And I believe this point must be made clear.

It is perfectly proper for us to cancel the treaty with notice. The document itself so provides. Such action would be in no way a breach of faith. We must be prepared to invoke this clause if it ever appears that the balance of nuclear power is changing against us under the treaty. It is to give us that protection that the clause is there.

And we must be prepared for Russia's invoking this clause if she believes it to be in her interest to do that.

To my mind, the fact that we can legally end our treaty obligation is a strong argument for ratification of a document that permits continued testing underground.

As the Washington Post editorial of September 12 concluded:

Events may disappoint the hopes and expectations of those who have proposed this treaty. It does not, by itself, and for all time, automatically preclude the resumption of atmospheric testing, but it may well result in that most desirable end. And if it does, its adoption may spare unnumbered thousands of our own countrymen, and perhaps millions around the world, the pain and sorrow of terrible, wasting, lifelong injury. And it may lift from mankind the dread menace and dire threat of damage to the genetic integrity of the human family that would cast its dark shadow forward through the generations down to children born 20,000 years from now.

As of last week, 99 nations had signed the treaty. This indicates the overwhelming sentiment among the community of nations in favor of this first step toward limiting a menace of unknown proportions to all mankind. The magnitude of world commitment to this step demonstrates the depth of humanity's desire for order and peace.

As citizens of the Nation historically bound to the leadership of the world in seeking that order and peace, we cannot refuse to join in this first step when we are assured that it is consistent with our national security.

Madam President, I shall cast my vote to ratify the limited nuclear test ban treaty before us, firmly convinced that such a vote is in the interest of my native land and in the interest of all mankind.

Mr. FULBRIGHT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. WALTERS in the chair). Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I yield to the Senator from New York [Mr. KEATING] 2 minutes on the resolution of ratification.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I am glad to yield.

Mr. MANSFIELD. The Senate is operating under controlled time, is it not?

Mr. DIRKSEN. Yes.

Mr. President, I suggest the absence of a quorum.

Mr. GOLDWATER. And with the understanding that the time required for the quorum call will not be charged to the time that has been yielded to me.

The PRESIDING OFFICER. Then the time required for the quorum call will be charged to the 3 hours available on the resolution of ratification.

The absence of a quorum has been suggested; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I call up my reservation, Executive Reservation No. 7, and ask that it be read.

The PRESIDING OFFICER. The reservation will be read.

The legislative clerk read as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation, which is hereby made a part and condition of the resolution of ratification, that the instrument of ratification of the treaty by the United States shall not be deposited as provided by paragraph 3 or article III thereof until the Union of Soviet Socialist Republics has removed all nuclear weapons, all weapons capable of carrying nuclear warheads, and all Soviet military and military technical personnel from Cuba, and until arrangements have been made for inspection within Cuba by the United Nations to determine and confirm such removal, and confirmation of such removal has been given by the United Nations."

Mr. GOLDWATER. Mr. President, I allot myself such time as I may need. I believe I have a total of 30 minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GOLDWATER. Mr. President, having called up my proposed reservation to the resolution of ratification of the limited nuclear test ban treaty, I ask that my colleagues consider it solely upon its merits and upon the contribution that it can make to the security of this Nation.

The reservation would—to state very simply its effect—postpone the effective date of the U.S. ratification to such time as the Soviet Union, in keeping with its own past statements and our continuing and undiminished demands, removes from Cuba its nuclear weapons systems

1963

CONGRESSIONAL RECORD — SENATE

16801

and military and military-technical personnel.

Last year, the President of the United States said we would take every step short of war to accomplish exactly this sort of removal. I am proposing a step far short of war. The proposed reservation asks, in fact, for a step which would move the world far closer to peace than even the nuclear test ban treaty itself would.

I remind the Senate, most particularly, that this proposed reservation is in no way an amendment of, or a reservation to, the proposed limited nuclear test ban treaty. It does not touch the treaty. It does not change a single word of the treaty. It is a reservation, purely and simply, to the Senate's resolution of ratification. It would add merely a few words to that resolution of ratification, but those few words would serve the cause of our Nation's security and the peace of the world far better than would volumes of abstract and generalized language.

It has been said that the reservation which I propose is not germane to the treaty. I say that the comment is not germane to my reservation.

The reservation regards the Senate's work, the Senate's prerogatives, and the Senate's responsibilities.

The reservation applies to the Senate's resolution, not to treaty wording of the executive branch.

What would the reservation do? Would it require renegotiation of the treaty? Not at all. It would simply withhold the effectiveness of our agreement to the treaty, until the Soviet removes its weapons and military from Cuba. It would involve no other nation. It would not even involve the Soviet signature to the treaty. It should be clearly understood and, therefore clearly discussed, as a reservation only to our participation in the treaty. The reservation does not provide that we will not; it merely provides that we will when the Soviet has demonstrated its responsibility to the cause of world peace in a way clearly, easily, and honorably open to it. And it only withholds the effectiveness of our participation in the treaty until we have seen fulfilled an action that we have called nonnegotiable—an action in which the sympathy of the majority of the nations of the earth should be firmly on our side.

Are we so afraid of our position on Cuba that we dare not put it to the test? Are we so convinced that the Soviet will never honor that position? Are we actually saying that they have, in fact, no intention of truly seeking to ease tension? Then why this treaty at all?

Are we so unsure, so that we will not at this moment of maximum opportunity even press our minimum demand for resolution of the one peril to peace that is closest to us, most accessible to solution, most desired by the people of this Nation?

But if we seek peace in our hemisphere—if we seek to ask this one demonstration, this one price—will we not encourage others to make their participation in the treaty conditional? We

are asked if Egypt will not demand that Israel quit the Middle East, that we remove our troops from Germany, and so forth.

For the nations who have signed the treaty already, the answer is clear. They have signed. They have asked no such condition. And why? Because there would be no justification for such demands. Israel exists by lawful process and lawful recognition. Our troops are in Germany by lawful treaty. No, that argument is not germane to the reservation. It is an evasion, not to be considered by those seriously aware of the situation in Cuba and its perfect and clear relevance to the cause of peace, the easing of tensions, and the responsibilities of the United States and the Soviet Union.

Do I exclude Cuba unjustly? Should not Cuba be consulted? Should not we ask Castro's permission before proposing this reservation? Let someone else in opposition to this reservation ask the question if he will. I find the question unworthy and the answer obvious.

Castro could not prevent the Soviet from removing its weapons and personnel. They are not in Cuba by the demand of any treaty that is binding in this hemisphere. No. We must not talk to Castro about this proposal, any more than we talked to Castro when we blockaded Soviet ships during the missile crisis.

But is the proposal somehow totally remote from the situation of the test ban treaty? From the treaty, yes. From our resolution of ratification, no—not at all.

The pertinency of this reservation to the resolution of ratification is to be decided by the Senate. If the Senate feels that Cuba is pertinent to peace, then it will be pertinent. If the Senate decides that America should, in honor and conscience, expect a quid pro quo from this treaty negotiation, then America will get that quid pro quo, or the Soviet will stand exposed as shallow in their peaceful intent, insincere in their talk of easing tensions, dishonorable in their behavior, and dedicated far more to maintaining a base of aggression than in trying to build a base of understanding.

We might recall that the present distinguished Speaker of the House of Representatives once thought that the severance of diplomatic relations with the Soviet was so pertinent to an appropriations bill that he suggested it as an amendment to the bill, and one which failed by only three votes in 1940. He wisely saw that pertinency of Soviet intent and actions may be considered in every action we take. His colleagues obviously felt his case a strong one.

Now, surely, there is more obvious pertinency of this Cuba reservation to our resolution of ratification than between diplomatic relations and an appropriations bill.

If we study the precedents of treaty reservations we find other striking proofs of the justification for this proposal. We also lay to rest any fears that the procedurally minded may have in regard to the parliamentary propriety of this reservation.

Quite emphatically, in recent years, presiding officers have ruled that reservations are open before the Senate itself, following the close of Committee of the Whole. Vice President Coolidge did so during the debate on the treaty of peace with Germany, October 17, 1921, 67th Congress, 1st session, RECORD, page 6438. Vice President Barkley did so during the debate on the North Atlantic Treaty, July 15, 1949, 81st Congress, 1st session, RECORD, pages 9534 to 9537. The Senator from Oklahoma [Mr. MONROE] did so while presiding over the debate on the United States-Republic of China Treaty, February 9, 1955, 84th Congress, 1st session, page 1411.

This procedural order is not mentioned by name in the rules. But it is so well established that I do not think it can be arguably challenged. More plausible, on its face at least, would be a claim that what was being offered was not a "reservation," but in reality an amendment.

Such a challenge should be capable of being defeated by pointing out that the problem is functional, rather than one of nomenclature. Not merely proposals bear the talismanic name "reservation" which are open before the Senate itself, but instead any proposal which is addressed to the resolution of ratification, rather than to the treaty itself. If this be deemed a mechanical test, the reason for dividing presentation between the Committee of the Whole and the Senate itself is entirely mechanical. The idea that a reservation may be so drastic as to be "in substance" an amendment is refuted (a) by the precedents, which make no attempt at such distinction; (b) by the basis for distinguishing between them, which is the mechanical test of whether they apply to the language of the treaty or to the language of the resolution of ratification; and (c) by comparing some of the various drastic reservations that have been proposed, and on occasion adopted, without challenge to their character as reservations. For example, the reservations proposed to the Versailles Treaty on November 18 and 19, 1919, 66th Congress, 1st session, RECORD, page 8759 and those that follow; the reservation reserving the right to control immigration attached to the resolution of the United States-German Commercial Treaty of 1923 (44 Stat. 2132) as compared with some of the rather mild amendments that have been proposed and adopted without challenge to their character as amendments, such as the amendment proposed by Senator Pittman to the proposed Japanese-American Treaty on February 28, 1922, 67th Congress, 2d session, RECORD, page 3137.

There may be a very fine line between "reservations" and "conditional ratifications," and between "reservations" and "understandings." Such blurring raises, a procedural problem, however, since all three go to the resolution of ratification, and are therefore equally in order before the Senate itself.

There is one unfortunate, confused precedent cited in the work "Senate Procedure" which appears, from the text of the manual, to support the position that amendments to the resolution of ratifi-

16802

CONGRESSIONAL RECORD — SENATE

September 23

cation—reservations, and so forth—may not be proposed from the floor of the Senate. This stems from an incredibly confused situation in the Senate during the debate on the Treaty of Versailles, when a resolution to ratify the treaty had just failed by a vote of 39 to 53. A motion to reconsider was then made and carried by a vote of 63 to 30. At this point Senator Hitchcock sought to propose an amendment to the resolution. Senator Poindexter objected that the rule stated no amendments were in order. Vice President Marshall overruled the objection, and was in turn overruled by a narrow margin by the Senate itself on the appeal of Senator Lodge.

Even assuming this decision to govern, its rule is so clouded by the confusion resulting from the passage of the motion to reconsider that it is not sound authority for the proposition cited. If the resolution of ratification may not be amended by offering reservations to it, there is no time at which reservations may be offered and debated. The language of rule 37 providing that at this stage "no amendment shall be received except by unanimous consent" must refer to amendments to the treaty itself. Any other result would be wholly inconsistent with the Senate's tradition of free debate.

I should like to close these remarks with one personal observation. I said at one time that this reservation might make the treaty acceptable even to its harshest critics. Later I explained that I could not vote for the treaty with or without the reservation.

My reason is as follows: My objection to the treaty basically is not political, not diplomatic, but simply is based upon the tragic impact it can have upon the strength of this Nation—a strength which I see as the only sure shield of peace in the world today.

To make my position absolutely clear, and to follow the dictates of my conscience, I must vote against the treaty with or without this reservation.

But I know that there are others of my colleagues who find the military risks of the treaty acceptable, and others who find the political risks acceptable. I also know that these men, sincere and good willed, are not blind to the nature of the enemy and to the unchanged nature of the challenge to our and the world's freedom.

It is to them that I offer this reservation to the resolution of ratification, with a single plea: "If you must vote for this treaty then, in your Nation's name and in the name of the trust your Nation has placed upon you, demand at least this single, honorable, appropriate, and meaningful price."

Such a moment may not be ours again. God help us if we cannot claim it now, in the cause of peace and the name of freedom.

I ask unanimous consent that a copy of the Harris poll, which appeared in the morning Washington Post & Times Herald, may be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HARRIS SURVEY: PUBLIC BACKS FIRMNESS ON CUBA, BUT FEW WOULD FAVOR INVASION

(By Louis Harris)

When Senator BARRY GOLDWATER attacked President Kennedy for his handling of Castro and Cuba, the Arizona Republican touched a sensitive political nerve end.

Public opinion about Mr. Kennedy's leadership on the Cuban issue has been easily more volatile than any other: highly critical after the abortive Bay of Pigs invasion, soaring in praise after the showdown over Russian missiles last October, and mixed since then.

Part of the public's uneasiness over Cuba is the widespread feeling that the security of the hemisphere is breached as long as the Communists have a bridgehead 90 miles from the United States. Part is also due to the fact that Russian troops have not yet been removed from Cuba.

The American people would like to see a more decisive stand taken against Russian troops remaining in Cuba. A firm majority would favor reinstating the blockade of last fall if the Soviets did not respond to such a U.S. ultimatum. By the same token, however, militancy about communism in Cuba is not so high that it has aroused the American people to back an invasion of the Communist island. To the contrary, no more than 34 percent of the public would support an invasion with U.S. troops.

Our latest cross-section of the American people recorded these levels of approval over the Kennedy record on the Cuban issue:

PEOPLE ASSESS KENNEDY CUBAN RECORD	Percent approval
Bay of Pigs invasion.....	27
October 1962 showdown.....	94
Action since October 1962.....	56
Overall handling of Cuba.....	46

The root of continuing concern over Cuba today is the failure of Russia to remove its troops from the island. While the President has announced that intelligence reports indicate further withdrawal of Soviet troops, nonetheless the vast majority of the American people believes Mr. Kennedy should be even more insistent that the last vestige of Russian armed forces be removed:

ON PRESIDENT INSISTING THAT RUSSIANS REMOVE TROOPS FROM CUBA	Total Nation percent
J.F.K. should insist.....	77
Should not insist.....	11
Not sure.....	12

However, when probed in depth to find out how far the people would be willing to see this country go to back up such an insistence, a majority would support reinstatement of last October's blockade. But a majority emphatically is not now prepared to support an actual invasion with U.S. troops:

WHAT UNITED STATES SHOULD DO IF RUSSIA DOESN'T REMOVE TROOPS	Total Nation percent
Blockade	
Put back blockade.....	67
Don't blockade.....	13
Not sure.....	20
Invasion	
Should invade.....	34
Don't invade.....	35
Not sure.....	31

If the public is ahead of the President on Cuba, it is in its desire to see this country take a tougher stand on Russian troops still stationed on the island. However, if Mr. Kennedy's Cuban critics give the impression they favor an invasion by U.S. troops, they

will surely find public support for such a position wanting. The people want Russian troops out of Cuba and above all want Castro eliminated. But they do not take the prospect of war lightly either.

Mr. GOLDWATER. Mr. President, I also ask unanimous consent that briefs on the United States-German commercial treaty of 1923, the treaty with Germany of 1921, and the treaty with Japan, which I mentioned; and the remarks of the now Speaker of the House on the proposal about which I mentioned his activity in 1940, be printed in the RECORD at this point.

There being no objection, the briefs and remarks were ordered to be printed in the RECORD, as follows:

UNITED STATES-GERMANY COMMERCIAL TREATY, 44 STAT. 2132 (1923)

Treaty between the United States and Germany of friendship, commerce and consular rights.

Signed at Washington, December 8, 1923; ratification advised by the Senate, with reservations and understandings, February 10, 1925; ratified by the President, October 6, 1925; ratifications exchanged at Washington, October 14, 1925; proclaimed, October 14, 1925.

And whereas, the Senate advised and consented to the ratification of the said treaty subject to certain reservations and understandings, as follows:

"First, that there shall be added to article I of said treaty the following: 'Nothing herein contained shall be construed to affect existing statutes of either country in relation to the immigration of aliens or the right of either country to enact such statutes'.

"Second, that the fifth paragraph of article VII and articles IX and XI shall remain in force for 12 months from the date of exchange of ratification, and if not then terminated on 90 days' previous notice shall remain in force until Congress shall enact legislation inconsistent therewith when the same shall automatically lapse at the end of 60 days from such enactment, and on such lapse each high contracting party shall enjoy all the rights which it would have possessed had such paragraph or articles not been embraced in the treaty."

And whereas, the said treaty and the said reservations and understandings have been duly ratified on both parts and the ratifications of the two governments were exchanged in the city of Washington on the 14th day of October, 1925;

Now, therefore, be it known that I, Calvin Coolidge, President of the United States of America, have caused the said treaty to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof, subject to the reservations aforesaid."

December 8, 1923, p. 2158.

TREATY WITH GERMANY, OCTOBER 18, 1921 SIXTY-SEVENTH CONGRESS, FIRST SESSION, OCTOBER 18, 1921

Presiding Officer (Mr. STERLING). The treaty having been read the third time, the question is upon agreeing to the resolution of ratification with the reservations already agreed to as in Committee of the Whole and in the Senate, which the Secretary will read.

The Assistant Secretary read as follows: "Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Germany signed at Berlin August 25, 1921, to restore the friendly relations existing between the two nations prior to the outbreak of the war, subject to the understanding [em-

1963

CONGRESSIONAL RECORD — SENATE

16803

phasis added] which is hereby made a part of this resolution of ratification, that the United States shall not be represented or participate in any body, agency or commission nor shall any person represent the United States as a member of any body, agency, or commission in which the United States is authorized to participate by this treaty unless and until an Act of the Congress of the United States shall provide for such representation or participation; and subject to the further understanding, which is hereby made a part of this resolution of ratification, that the rights and advantages which the United States is entitled to have and enjoy under this treaty embrace the rights and advantages of nationals of the United States specified in the joint resolution or in the provisions of the Treaty of Versailles, and which this treaty refers."

Result: 66 yeas; 20 nays; not voting, 9.
CONGRESSIONAL RECORD, Volume 61, part 6, page 6438.

TREATY WITH JAPAN

SENATOR FITTMAN'S AMENDMENT, ARTICLE II OF TREATY

The United States and its nationals shall receive all the benefits of the engagements of Japan defined in articles 3, 4, and 5 of the aforesaid mandate, notwithstanding the fact that the United States is not a member of the League of Nations.

(3) Existing treaties between the United States and Japan shall be applicable to the mandated islands (p. 3137).

Mr. PITTMAN. Mr. President, I send forward a proposed amendment to article 2.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nevada will be stated.

The ASSISTANT SECRETARY. At the end of section 3 of article 2 it is proposed to strike out the semicolon and to insert a comma and the following words: "and the rights and privileges therein guaranteed to the respective nations therein referred to shall not be limited or abridged by any of the provisions of the treaty." (Page 3137.)

Mr. PITTMAN. There is no doubt that section 3 does extend the existing treaties to all of the mandated islands except the island of Yap, but with regard to the island of Yap there are special limitations placed upon our nationals. I desire to clarify that. If their contention is right, if there are no special limitations with regard to our nationals in the island of Yap, then the amendment which I proposed makes it clear. In other words, article 3 says in relation to the landing of cables that our citizens shall have equal rights. Article 4 says insofar as they relate to electrical communications, our citizens shall have certain rights. (Page 3141.)

Pittman's amendment was rejected 23 yeas; 50 nays.

CONGRESSIONAL RECORD, February 28, 1922, (page 3145.)

STATE, COMMERCE, JUSTICE, AND THE JUDICIARY
APPROPRIATION BILL, 1941

FEBRUARY 7, 1940, 76TH CONGRESS, 3D SESSION,
PAGE 1172.

Mr. McCORMACK. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. McCormack: Page 6, line 10, after the word "Turkey", strike out the words "Union of Soviet Socialist Republics."

Mr. McCORMACK. (Offered two other amendments)

The first amendment simply reduced an amount in the bill.

The second amendment stated: "Page 17, after line 14, insert 'Provided, That no appropriation contained under the caption

"foreign intercourse" shall be used for the maintenance of an embassy of the United States in the Union of Soviet Socialist Republics or any character of expense, other than salaries, for the maintenance of any officer or officer of the United States State Department in the Union of Soviet Socialist Republics."

Mr. CALDWELL. I may say to the gentleman that this is not the place for the matter to be taken up, nor should it be considered here. This is not the bill under which we should discuss whether we are going to recognize or fail to recognize Russia. (Page 1173).

Mr. McCORMACK. Mr. Chairman, this is a very important and a very serious matter. In offering these amendments I do so only after profound consideration.

The purpose of the pending amendment is to prevent any money appropriated in this bill being used for the payment of the salary of the Ambassador to the Soviet Union, the nation which we all know is more commonly described as Communist Russia. The chairman of the subcommittee has suggested that this is not the proper place to consider this question. He let out his argument in response to a question from the gentleman from New York [Mr. FISH]. This is the proper place. We have the responsibility of appropriating money. True, the question of diplomatic relationship in itself rests with the executive branch of the Government, but under the Constitution we have the power of expressing our own views as a body when appropriation bills are under consideration. In rare cases, such as in the case of the Soviet Union, we are justified in exercising our constitutional power.

The argument that this is not the place for this question to be discussed certainly is irrelevant if advanced from a constitutional angle, because the framers of the Constitution left it with Congress to appropriate money. If Congress has the power to appropriate money, Congress has the power not to appropriate money for any particular purpose.

What are the circumstances which prompted me? In 1933 the Soviet Union was recognized in a semidiplomatic manner, as a result of the so-called Litvinov agreement. In this agreement the Soviet Union as a government gave its express and solemn promise to the Government of the United States and to our people that they would not permit "the formation or residence on territory of the Soviet Union of any organization or group, and that they would prevent the activity on that territory of any organization or group or any representatives or officials of any organization or group which has as an aim the overthrow or preparation for overthrow or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its Territories, or possessions."

This is a promise made by the Soviet Union to our Government. This promise was broken within 1 month after it was made. This promise has been repeatedly broken ever since it was made. The gentleman from New York (Mr. Fisk), who was chairman of the special committee that investigated subversive activities, brought out evidence of direct connection between the American section of the Communist Party and the Third International and the Communist Party of Russia, which is the backbone of that Government, and found that Russia was injecting itself directly into the internal affairs of the United States by furnishing money and contributing in every way possible to that which they hope for, the ultimate overthrow of our Government. The committee of which I was chairman uncov-

ered the same type of evidence of the activity directly in our country of the Third International and the Soviet Government, collaborating with the American section of the Communist Party in their effort to obtain their ultimate objective, of the overthrow of our Government by force and violence. (P. 1186.)

Mr. McCORMACK offered the amendment marked in pencil on the previous page.

Mr. Chairman, the vote taken on a similar proposition to this a short time ago was very close—105 to 108. I am serving notice now that if I can get the floor I shall move to recommit the bill, with instruction to report the bill back forthwith, amendments adopted.

Mr. Chairman, the very fact that 105 members in the committee voted in favor of this proposition indicates a very strong feeling in support of the effort that I am making on this occasion. (P. 1192).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. McCORMACK) there were yeas 38, nays 95.

Mr. JAVITS. Mr. President, will the Senator answer a question?

Mr. GOLDWATER. I shall be happy to try.

Mr. JAVITS. I am interested in the question which the Senator's reservation would seem to imply. Does the Senator feel that he is asking for the biggest single issue in the cold war to be resolved; namely, the presence of Soviet troops and technicians in Cuba? In other words, does the Senator put a qualitative evaluation upon that as being the prime consideration in the cold war, or is that not the basis for his picking this one?

Mr. GOLDWATER. No. I picked this one, as I mentioned, because it is a threat in this hemisphere. It is an immediate threat to us. I certainly do not look upon it as the only threat to the world in the cold war. There are other threats, all over the world. This happens to be very close to the United States, 90 miles away. I know it is of great concern to all Americans and particularly of great concern to Members of this body.

Mr. JAVITS. So the Senator chooses this issue really because of its geographic contiguity, rather than because he places this as the top issue in the cold war.

Could the Senator tell us what he considers to be the prime issue in the cold war, the one entitled to the highest of priority?

Mr. GOLDWATER. I think it is the entire subject of communism and its spread across the world. This involves the question of whether the free peoples of the world will be able to stop the threat, so that it will be possible to allow democratic processes to operate in the countries which desire them. The general spread of communism, as we see it in Cuba among many other places, is the issue facing the world today. One might say that peace is wrapped up in it, and many other subjects which are pertinent to the cold war.

Mr. JAVITS. Does the Senator feel that if the Senate should agree to the reservation, by the required vote, the Russians would accept it and, based upon our action as to the reservation, actually

16804

CONGRESSIONAL RECORD — SENATE

September 23

withdraw their troops and technical personnel from Cuba?

Mr. GOLDWATER. I like to believe that they would, because they have said on at least two occasions that they would do so. They told the President last October they would do it. Earlier this year they said that the troops would be out by March, I believe.

If I did not feel that there was a possibility of Russia going through with this operation, I would not offer the reservation. I have offered it because I am convinced that Mr. Khrushchev wants the treaty quite badly. I do not know why he wants it. I have some personal feelings as to reasons he might favor, both military and scientific, as I have stated on this floor.

But if Mr. Khrushchev really wants the treaty, all he will have to do is go through with the word he gave to our President on at least two occasions.

Mr. JAVITS. Does the Senator feel that if Khrushchev took this reservation because we imposed it and implemented it he would then damage himself so heavily in his own ideological struggle with the Communist Chinese that he could not possibly accept this from us?

Mr. GOLDWATER. I do not believe that would have any bearing on the argument that the Russian Communists are having with the Red Chinese Communists. This involves promises Khrushchev has already made. I think that those promises weakened his position, long before this.

We would not be asking Khrushchev to do something unusual, something of which he has not heard before. We would merely be saying to him, "Keep your word. When you keep your word and after the United Nations has verified that it has been kept, then we will agree to have the treaty deposited."

This would in no way affect the language of the treaty. It would require no renegotiation at all. It is merely a reservation. As I have pointed out, on previous occasions reservations have been adopted to treaties.

Mr. JAVITS. I have no quarrel whatever with the Senator in regard to the parliamentary situation or the deep sincerity of the Senator in proposing the reservation. Indeed, it is his duty to do so in response to the dictates of his conscience. I have no question about that whatever.

I wish to ask the Senator another question. I am grateful to the Senator for his patience and his willingness to debate the subject, something he has always been willing to do. He is very mettlesome. I admire that a great deal.

Is it not a fact that the Senator would consider the breach of faith with respect to Poland, Czechoslovakia, Hungary, and on Rumania of the same quality as the Russian breach of faith with respect to Cuba—which is what the Senator in essence charges?

In other words, there has been subversion in all of central Europe, notwithstanding the solemn promises made at the conclusion of World War II.

Mr. GOLDWATER. Absolutely. As I said, I single out Cuba because it is a problem in this hemisphere. I believe

we could include, with equal vigor and with equal right, all of the countries which the Soviet Union or communism itself has taken over by force or by subversion.

I say again that Cuba is a clear threat to the United States and to this entire hemisphere, and that is why I singled it out. I do not believe it is unreasonable to ask Mr. Khrushchev to do this. We should remind him that he has already promised our President to do this. It would ease tensions. Certainly, it would ease tensions throughout the Western Hemisphere. One of the purposes of the treaty is to ease international tensions.

The only creator of tensions in this world, to my mind, is the Soviet Union. Of course, the Red Chinese now are stepping up their activities in this field.

This is an opportunity for Mr. Khrushchev, in what I sense is a "dove-like period" of his life, to come through and convince the world that he really wants to ease tensions, and that he is sincere in participating in a treaty which has as its basic point the easing of tensions by stopping nuclear testing in the atmosphere.

Mr. JAVITS. The Senator is aware, is he not, of the fact that the Soviets regard—it is quite wrong, but they nonetheless do so regard it—our position in Berlin and in Germany as being as illegal as we regard their position in Cuba? Would not Khrushchev, as the Communist Chinese are pressing him to do, turn around to say, "Of course, if this is to be the deal, then I demand that you take your troops out of West Germany and that you cease pressure upon me in East Berlin," and so on?

Mr. GOLDWATER. I do not think there is any comparison between the two situations. I readily admit that the Soviets would probably try to make the cases appear to be similar. We are in Germany by treaty. We are in NATO by treaty. Wherever we are, we are there by treaty or agreement. They are in Cuba at the behest of a government we do not recognize, at the behest of a government the Cuban people themselves do not recognize. I do not believe there is any comparison. They are not in Cuba by treaty, but we are in Europe by treaty.

Mr. JAVITS. They do not recognize the West German Government, and they say that their treaties with East Germany are as good as our treaties with West Germany.

Be that as it may, I should like to conclude, thanking the Senator for his patience, by again asking the Senator if he really believes that the Russians would take this reservation and nonetheless go through with the treaty? I should like to ask the Senator whether the issue is whether the reservation would kill the treaty.

Mr. GOLDWATER. I think the reservation is worthy of a try. I do not offer it capriciously. It offers an opportunity to negotiate on a subject which the President recognizes as not being accessible to negotiation.

This presents an opportunity to test a potential enemy. Is it really going through a period when it would like to ease tensions? Is it in a period of better

relations with the remainder of the world?

I suggest that this would be a good way to find out. If it turns out that the Soviets will refuse to accept this proposal, there is nothing to prevent this body from meeting again and considering what action it wishes to take. We could take whatever action is necessary with regard to the resolution of ratification.

Mr. JAVITS. Does the Senator feel that that opportunity would be open to us? Does he not feel that if we made the reservation the Russians would consider it the death knell of the treaty and would consider that the pro-Communist Chinese element was correct, and that we really did not mean to go through with this?

Mr. GOLDWATER. No; I cannot buy that. I think it is worthwhile taking the chance to see if they will keep their word. If they will do that, it will put the Soviet Union in a better light around the world. If she wants to do it, this is an opportunity for her to do it, and to keep her word.

Mr. JAVITS. I appreciate not only the Senator's sincerity, but his desire to arrive at what is best for our country. The reservation proceeds on the assumption that we can get something out of it and that the Soviet Union is going to go along with it no matter what conditions we affix. I do not think so. I think the situation points exactly the other way. I think if we press the reservation the Senator puts forward, it could have the very grave effect of driving Khrushchev back into Mao Tse-tung's arms. If we approve the treaty without reservation, what we shall have sealed can be helpful to the nations of the world. I respect the Senator's viewpoint, and I am sure he respects my viewpoint.

Several Senators addressed the Chair.

Mr. GOLDWATER. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. KUCHEL. Mr. President, if the Senator will yield, I think it would be more fair to the Senator from Arizona if he could take the time reserved to him and have other Senators yield time for the asking of questions.

Mr. DIRKSEN. Mr. President, I will yield time to the Senator.

Mr. KUCHEL. How much time does the Senator from Iowa desire?

Mr. MILLER. Only a short time.

Mr. KUCHEL. I yield 3 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, with respect to the Berlin situation, the President of the United States has not promised Mr. Khrushchev to get American troops out of there; has he?

Mr. GOLDWATER. No; he could not do it without consent of this body, I assume.

Mr. MILLER. But Khrushchev has promised to get his troops out of Cuba; has he not?

Mr. GOLDWATER. Yes.

Mr. MILLER. I cannot see any similarity between the two situations.

1963

CONGRESSIONAL RECORD — SENATE

16805

Does the Senator from Arizona not feel that world opinion, 99 nations having signed the treaty, would weigh heavily on the Soviet Union and it would "knuckle under" to follow Mr. Khrushchev's promises to our country?

Mr. GOLDWATER. I would think that if world opinion put any pressure on any nation, it would be responsive to the other signatory nations who urged that the Soviets go through what they promised the United States twice.

Mr. MILLER. So the Senator feels the Soviet Union would follow through with its promises to the United States, so that the treaty would be operative?

Mr. GOLDWATER. I cannot speak for Mr. Khrushchev, but I think the opportunity is ripe. After all, what I suggest does not point to the specifics of the treaty. All I have sought to do is by way of reservation, without changing the wording of the treaty. My language would merely postpone the effectiveness, until we were satisfied that all troops, equipment, and so forth, had been removed from Cuba.

Mr. KUCHEL and Mr. CURTIS addressed the Chair.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. KUCHEL. I have some questions to ask.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. How much time has the Senator left?

The PRESIDING OFFICER. The Senator from Arizona had 30 minutes. He has 5 minutes remaining.

Mr. FULBRIGHT. Does he wish to give up the 5 minutes?

Mr. GOLDWATER. No; the minority leader agreed to yield for questions.

Mr. FULBRIGHT. That time would come out of the time on the treaty. I have control of the time in opposition to the pending question.

Mr. KUCHEL. Mr. President, will the Senator yield me 10 minutes?

Mr. FULBRIGHT. I yield—

Mr. MANSFIELD. Mr. President, the Senator from Arizona still has the floor.

Mr. GOLDWATER. Mr. President, I would be happy if the Senator from Arkansas yielded some time.

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to the Senator from California in order that he may interrogate the Senator from Arizona.

Mr. KUCHEL. I thank the Senator. I said earlier that I considered this issue the most important thus far during my Senate tenure. I will have had to cast my vote on in this Chamber. I recognize that men of good will in this Chamber, judging the same set of facts, may decide differently. That is the right of each of us. Indeed, it is our duty to decide as we see. I am sure my friend knows of my respect for him. I want to put several questions to him.

In his prepared statement, the Senator from Arizona says, in part, as shown on page 2:

What would the reservation do? Would it require renegotiation of the treaty? Not at all.

And, on page 4:

For the nations who have signed the treaty already, the answer is clear. They have asked no such condition. And why? Because there would be no justification for such demands.

Is it the point of the Senator from Arizona that, if his reservation were adopted, it not would affect the commitments of the other 100 nations which have already approved the treaty?

Mr. GOLDWATER. No, I would not say so. It would merely postpone our time of effectiveness. That is all it does. It does not change the language.

Mr. KUCHEL. Would the Senator argue that it would not postpone the time of effectiveness for the other nations that have signed?

Mr. GOLDWATER. It would postpone the date of effectiveness on the part of the United States.

Mr. KUCHEL. And no one else?

Mr. GOLDWATER. Let us look at it this way: Suppose we did not ratify the treaty—which I do not suppose will happen—and the signatory nations, other than ourselves, wanted the treaty to continue in force. It would.

Mr. KUCHEL. Is it the position of the Senator from Arizona that, if his reservation were adopted, every other nation that had already signed it would be bound by the treaty immediately?

Mr. GOLDWATER. No; if they wanted to get out of it at any time, for any reason, they would. So would we.

Mr. KUCHEL. I understand the 3 months' notice provision; but where the Senator has said that his reservation does not require renegotiation, and they have asked for no such condition, is it the Senator's opinion that it would be in immediate force with respect to all other nations that signed it, but that we would not abide by it until the terms of the reservation had been met?

Mr. GOLDWATER. No. My understanding is it would not be in force until we ratified it and deposited it. This reservation does not require renegotiation; it merely postpones the date of effectiveness. Let us assume that Mr. Khrushchev said, "Fine. We will do it next week" or "next month." The date of effectiveness would be delayed until then.

Mr. KUCHEL. If we adopted the Senator's reservation, would it postpone the time of effectiveness of the treaty for the nations which as of today have approved it?

Mr. GOLDWATER. In my estimation, it would.

Mr. KUCHEL. It would postpone the time?

Mr. GOLDWATER. Yes. I say that because we do not become a part of the treaty until we have deposited it.

Mr. KUCHEL. So when the Senator says, as he did in his statement, "For the nations who have signed the treaty already, the answer is clear. They have signed. They have asked no such condition," we must read that to mean that, in his opinion, if the reservation is adopted, the time of effectiveness for each signatory nation will be postponed until the conditions of the reservation are met?

Mr. GOLDWATER. That is correct. I think the Senator is reading something

from my statement without reading what was said before. When I said they have asked for no such condition, that does not mean they could not have. They could have asked for any condition before signing. I was pointing out that I was not agreeing that if we put this reservation into effect there could be a demand made, for example, that Israel quit the Middle East or that we remove our troops from Germany. That is what I was referring to.

Mr. KUCHEL. Mr. President, I turn to page 5 of the Senator's prepared text, where he says:

We might recall that the present distinguished Speaker of the House of Representatives once thought that the severance of diplomatic relations with the Soviet was so pertinent to an appropriations bill that he suggested it as an amendment to the bill, and one which failed by only three votes in 1940.

Let me ask my friend from Arizona whether he favors severance of diplomatic relations by the United States with the Soviet Union.

Mr. GOLDWATER. Yes; I have expressed myself on that point since 1934.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield 3 additional minutes to the Senator from California.

Mr. KUCHEL. So that we can properly make up our minds with respect to the reservation, which is offered in good faith and will be voted on by our colleagues in the Senate in good faith by both those who favor and those who oppose it, let me ask the Senator whether this is a correct statement of what he said the other day in the State of California:

I don't give a tinker's dam what the rest of the world thinks about the United States, as long as we keep strong militarily.

Mr. GOLDWATER. The Senator has read what I said. I meant it. I have been chastised for using the word "dam."

Mr. KUCHEL. Not by me for using it. I asked this question of Dr. Teller, for whom I have the most profound respect:

Dr. Teller, when you were the adviser to President Eisenhower, and President Eisenhower announced that this country by itself, unilaterally, was entering into a self-imposed moratorium on nuclear testing in space and in every environment, did you approve of it?

He said, "No."

I ask my friend from Arizona whether he approved of President Eisenhower's moratorium.

Mr. GOLDWATER. I did not at that time. I said I did not think it was wise to do that. I believe the Senator from California was not present in the Chamber when I said that perhaps I have been too close to the military and perhaps lean too heavily on that direction. However, I am very much concerned about the lack of knowledge we possess on nuclear effects. The point I was talking about was the electromagnetic pulse; and I do not believe we have sufficient knowledge to overcome it.

I said I thought most of it could be done by underground testing, but that when the time came to decide whether or

16806

CONGRESSIONAL RECORD — SENATE

September 23

not we had the ability to do it, we would have to test in the atmosphere.

Mr. KUCHEL. The Senator from Arizona has a distinguished service record in both war and peace. He need not apologize for saying that he leans heavily in the direction of the military. But is it not a fact that every member of the Joint Chiefs of Staff approved the treaty?

Mr. GOLDWATER. That is true. It is also true that other members who have military responsibility for the operation of systems and the development of systems have not approved it. It is true that some scientists disagree. Opinion is divided on both sides of the question. The Joint Chiefs of Staff, on June 26, appeared before the Subcommittee on Preparedness. I admit it was a different type of treaty that was being considered. However, under oath, to a man, including the Chairman, they disapproved of a test ban treaty. I am the first to recognize that it was not the treaty we are considering today.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KUCHEL. I thank the Senator from Arizona.

Mr. DIRKSEN. Mr. President, on the treaty, I yield 2 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I commend the Senator from Arizona on his reservation. We have been repeatedly told that Khrushchev wants this treaty. The Secretary of State in his testimony said that it offers mutual advantages. Mr. Khrushchev wants this treaty. Certainly to have him comply with a promise already made is not too great a price to put on the ratification of the treaty. Does the Senator agree?

Mr. GOLDWATER. That is precisely the reason why I have offered the reservation. I believe that Mr. Khrushchev wants the treaty. I believe he wants it badly enough so that he will accept approval of the reservation. I have not talked with him about it, of course.

Mr. CURTIS. About 11 or 12 months ago the country was terrified by the existence of nuclear warheads, which could be fired to reach the Southeastern United States, and perhaps reach as far as Washington and St. Louis. The country was terrified. We were promised their removal, and we were promised inspection. The Senator's reservation seems a fair price to exact in these circumstances.

I should like to point out another angle. If the Senate votes down the Goldwater reservation, what will be the effect, not only on our own people, but also on the freedom-loving Cubans? It will mean that they realize we have entered into an era of cooperation with Russia, freezing the status quo for enslaved people not only in Cuba but also around the world. Does the Senator agree?

Mr. GOLDWATER. I agree with the Senator.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays on the reservation.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

I should like to say to the Senator from Arizona, at the outset, that no question of any kind has been raised on the point of his reservation not being in order as a procedural matter. That is a point that we need not even discuss. I believe his reservation to be inappropriate, unwise, and irrelevant. It is quite similar to a suggestion with respect to the non-aggression pact made by the Soviet Union, which was turned down, quite properly, by our negotiators, as going beyond the terms of a nuclear test ban treaty.

It is unwise and irrelevant as a subject matter to be included in the treaty. The attempt to commercialize, in a sense, the treaty, or to demand a price for its ratification, is quite unjustified.

The Secretary of State did not state, and no one else, either, that Chairman Khrushchev was eager to have the treaty go into effect. He said it was mutually desirable, that both sides have an interest in this particular subject matter. We ourselves excluded the other suggestion by the Russians. I have no doubt that the Russians would laugh at us if we attempted to put this kind of bargaining factor into the treaty.

There are many other issues the Senator has raised. I recall that the Russians agreed to do something, which they failed to deliver. It was an agreement for on-site inspection, to see whether the nuclear weapons had been removed from Cuba. They said, whether or not it was in good faith, they would try to persuade Castro to do it. Castro would not do it. They were therefore faced with a dilemma of either using force or withdrawing aid whatever, which would embarrass them as far as their own policy goes. They were in a difficult situation in their effort to conciliate Cuba, not only with respect to this hemisphere, but also with respect to China.

I do not minimize the importance of the objective of the Senator from Arizona. I only say that it is quite inappropriate and unwise to go about it in this way, because in my opinion—and I believe the majority of Senators feel the same way—it would clearly destroy the treaty.

Mr. AIKEN. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield to the Senator from Vermont.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. Mr. President, I yield myself 3 additional minutes.

Mr. AIKEN. It was Russia that made the proposal in the United Nations to have a U.N. inspection team visit Cuba. The proposal was accepted by the United States, and that became the formula for settling the question of nuclear arms in Cuba. Then, as the Senator from Arkansas has stated, Castro told the United Nations where they could go, told Russia where it could go, and told the United States where we could go; and we all backed down. Someone should have been a little more forceful at the time. However, the Russians did agree at that time to inspection.

I suppose the Senator will also point out that none of the 101 countries that have approved the treaty can become a part of the treaty until the instrument of ratification by the United States has been deposited.

Mr. FULBRIGHT. That is quite clear. The treaty will not become effective until all three of the original parties have deposited their instruments of ratification with each other. So this is not a question merely of affecting the United States. There will not be a treaty until those instruments of ratification have been deposited.

Mr. AIKEN. I do not know whether the proposal made by Russia that an inspection team of the United Nations go to Cuba was made with tongue in cheek or not; but the fact is that Russia made the proposal; it was not our request. We acceded to Russia's request.

Mr. FULBRIGHT. The difficulty of dealing with one's allies to whom one is giving military assistance is not unique. The United States is having difficulty with Vietnam. We do not like what is taking place there; yet we do not find the Government of Vietnam entirely responsive to what we would like to have it do.

I do not know how aggressive were the efforts of the Russians to make the Cubans do what the Russians wanted, but I can well understand, knowing Castro as we do from reports of his activities, that they may not be able to get the Cubans to do it.

I hope the Senate will not adopt the proposed reservation, even though its objective is worthy, because it is irrelevant and would clearly subject the United States to the accusation—and, I believe, with good cause—that we simply are rejecting the treaty; that we do not take it seriously. It would be a great tragedy if that were to happen. If the Senate does not wish to have a treaty, the proper way to reject it would be to vote against it when the time came to vote.

Mr. AIKEN. I should like to remind the Senator from Arkansas that when Averell Harriman and Dean Rusk came before the Committee on Foreign Relations on July 23 to submit the proposed treaty, before it had been initialed or signed, while the committee approved the treaty in general—although informally, I believe, at the time—we gave Mr. Harriman and Mr. Rusk to understand that that approval applied only to the test ban treaty as it applied to the atmosphere, and that we were not approving and were not expecting them to offer any other adjunct whatsoever to the treaty.

Mr. FULBRIGHT. That is correct.

Mr. AIKEN. That was the instruction they received from the committee on July 23.

Mr. FULBRIGHT. We were assured that they would not accept such a thing as a nonaggression pact.

Mr. AIKEN. At the time, the Russians were trying to interest the United States in a nonaggression agreement to be incorporated in the treaty, and we completely refused it. I believe it was on July 24 that Mr. Rusk and Mr. Harriman appeared before other committees.

1963

CONGRESSIONAL RECORD — SENATE

16807

Mr. FULBRIGHT. Mr. President, I yield 10 minutes to the distinguished majority leader.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I was concerned about a statement made by the distinguished Senator from Nebraska [Mr. CURTIS] to the effect that 11 months ago the people of the Nation were terrified. I do not believe they were. We were all concerned, but I saw no indication of terror as I traveled up and down the Nation during that precarious weekend. I do not think we are a terror-stricken people.

I must differ with the Senator from Arizona when he says that other nations would not seek reservations comparable to the one which he is suggesting, if we insisted upon its inclusion in the treaty.

They have asked no conditions because we have not asked any conditions; indeed, we have insisted that there be no conditions, as has just been stated by the distinguished Senator from Vermont [Mr. ARKEN] and the distinguished chairman of the Committee on Foreign Relations [Mr. FULBRIGHT].

Once we change our mind on this insistence, once we begin to seek solutions to other problems beyond this pact of limited nuclear testing, there is every reason to expect that others, as a condition of acceptance of the treaty, or of remaining in the treaty, will do likewise. Our good faith and consistency are at stake in the rejection of this reservation. I repeat we have insisted that all negotiation affecting this treaty be limited to the one problem of limited nuclear testing. The Russians, as the Senator is well aware, sought to go beyond this and into the realm of a nonaggression pact to cite a specific example. We refused. We were determined to hold the treaty to this one issue. Israel signed this treaty, Egypt signed this treaty, West Germany signed this treaty, and all of the other nations who have signed it have done so on the assumption that it would be confined to this one issue. So I repeat what I said earlier to the Senator from Arizona:

• If we accept this reservation, in the end about half the world will ask reservations of one kind or another to the effect that the other half withdraw from the earth, and since the feeling will be mutual, we will be back where we started from—with each half urging the disappearance of the other, even though a nuclear disaster will provide for the extinction of both.

There is not a Member of this body who does not wish to get the Russians out of Cuba. The Senator from Arizona [Mr. GOLDWATER], in expressing that wish in his proposed reservation, carries the Senate with him 100 to 0. I am sure he would carry the American people by something of the same percentage.

In its good intentions, Mr. President, this proposed reservation sounds most plausible. Who does not wish to get the Russians out of Cuba? The only difficulty is that the Senator's reservation would not get them out. The world is not that simple. The truth is that the reservation if adopted would kill the treaty and have no effect on the Cuban

situation whatsoever, except perhaps to intensify the difficulties there. And in killing the treaty the reservation would have an adverse effect on the health and hopes of the people of the United States. It would insure the continuance and the increase in the exposure of the population of this Nation—men, women, and children—to radioactive damage to health through fallout from nuclear testing. It would pin down the foot of American foreign policy so that it could not even essay this small first step toward a saner and more mature approach to the great threats to the peace and security of the Nation and the world.

The Senator from Arizona [Mr. GOLDWATER] is a man of great sincerity, deep conviction, and unquestioned integrity. I respect him for these qualities and for his unwillingness to be influenced in the slightest by political considerations in his attitude toward this treaty.

The Senator made clear some time back that he could not support this treaty. He made clear that he could not support it even if the reservation which he seeks were accepted by the Senate.

That, in itself, seems to me to be a conclusive argument against the reservation. For if the Senator from Arizona cannot accept the treaty even if he were permitted to rewrite it as he wishes by his reservation, how much less can we expect the treaty to be accepted by other nations, some of whom may have a somewhat different view of the world than his?

The Senator's position is such that if the Russians, by some fantastic quirk, were to accept the treaty with the Senator's reservation attached, the Senator would still be opposed to the revised treaty. In other words, if the Russians were to agree to get their people out of Cuba by the terms of this treaty the Senator from Arizona would find himself opposed to the Russians getting out. Now, Mr. President, I cannot believe that the Senator from Arizona really wants to see the Russians stay in Cuba. Yet that is what he is saying when he insists on the inclusion of this reservation to get them out and then insists he will not vote for the treaty even if the reservation is accepted.

In these circumstances, the purposes of the Senator's proposed reservation is transparent. It is clear that its purpose is not to build the treaty but to bury it, to bury not directly and cleanly but indirectly and obscurely. It seems to me that the Senator from Arizona should be given every opportunity to do what he really seeks to do in a fashion more in accord with his character, which is bold and fearless and always to the point. He should be given an opportunity to reject this treaty, as is, on final passage. He should not be confronted with a treaty, blurred and confused by his proposed reservation. I think we owe it to the Senator from Arizona as well as to the Nation to reject his proposed reservation.

Mr. MILLER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am glad to yield.

Mr. MILLER. I wonder whether the Senator will be kind enough to repeat

what he said about the threat to nuclear fallout.

Mr. MANSFIELD. I shall be delighted to do so. I said:

In killing the treaty the reservation would have an adverse effect on the health and hopes of the people of the United States. It would insure continuance and the increase in the exposure of the population of this Nation—men, women, and children—to radioactive damage to health, through fallout from nuclear testing.

Mr. MILLER. I thank the Senator from Montana.

Mr. MANSFIELD. I have never yet seen anyone prescribe radioactivity as a prescription for bodily health. I remind the Senator from Iowa that if the treaty is rejected, we can expect resumption of tests in the atmosphere, with the consequent results, both genetic and physical, to our children.

Mr. MILLER. I think the Senator from Montana is well aware of the fact that he is proposing that Senators vote in favor of approval of the treaty. At the same time, I wish to make clear to the Senator from Montana that I very much object to the inference that any Member of the Senate who sees fit in his conscience to vote against Senate approval will, therefore, vote to have, as the only alternative, a new fallout problem for the people of the United States.

If I recall correctly, the President stated in June, in his commencement address at American University, that the policy of this country was that it would not be the first to resume testing in the atmosphere. I understand that that policy still holds good, regardless of what happens to this treaty.

Mr. MANSFIELD. Then the Senator from Iowa understands a great deal more than I do. In my 11 years in the Senate, I have never attacked the integrity of any Senator or questioned his motives. Second, no one knows whether our country would be the first to resume testing if the treaty should fail, because the end result, as I see it, of Senate rejection of the treaty would be that the burden of making that decision would be placed on the two great nuclear powers—the United States and Russia; and in that event, I believe the end result would be a resumption of nuclear testing in the air—as both our military experts and some of our scientists have advocated.

Mr. MILLER. Would the Senator from Montana think the end result—which would be of equally great concern, if not even greater concern, to us—would be an attempt to secure a comprehensive test ban treaty?

Mr. MANSFIELD. I would not.

Mr. MILLER. Does the Senator from Montana think we would redouble our efforts in that connection?

Mr. MANSFIELD. The Senator has asked a question. In my opinion, we might then continue our efforts to obtain a comprehensive test ban treaty. But it is my further opinion that if the treaty were to be rejected, those efforts would not be any more successful than past efforts have been. I am also of the opinion that the end result would be a resumption of atmospheric testing and testing under water.

Mr. MILLER. Is the Senator from Montana of the opinion that we would

16808

CONGRESSIONAL RECORD — SENATE

September 23

be the first to resume testing in the atmosphere?

Mr. MANSFIELD. I think we would be free to do so if we so desired. Perhaps the circumstances then existing might compel us to do it.

The PRESIDING OFFICER. The time yielded to the Senator from Iowa has expired.

Mr. MILLER. Mr. President, will the Senator from Illinois yield another 2 minutes to me?

Mr. DIRKSEN. Yes, I yield 2 minutes more to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 more minutes.

Mr. MILLER. I thank the Senator from Illinois.

Let me inquire whether the Senator from Montana feels that the President's statement at American University would not continue to stand if this treaty were not approved by the Senate?

Mr. MANSFIELD. No one can see into the future and be able to state an opinion with absolute assurance. All one can do is conjecture. I believe I have conjectured enough to indicate to the Senator from Iowa what my thoughts are.

Mr. MILLER. Mr. President, I should like to conclude by expressing the hope that the Senator from Montana will recognize that his conjecture that Senate rejection of the treaty would expose our people and people throughout the world to more radioactive fallout is only a conjecture on the part of himself; certainly he does not mean to imply that the conjecture of any other Senator might not differ from his.

Mr. MANSFIELD. In view of the fact that the Senator from Iowa has repeated his statement of his view, I now repeat my previous statement;—namely, that at no time during my 11 years in the Senate have I ever questioned the integrity or good faith of any Senator on either side of the aisle, and I am not starting to do so now.

Mr. THURMOND subsequently said: Mr. President, I ask unanimous consent to have the portions of the record to which I shall now make reference printed at the conclusion of the remarks of the Senator from Iowa, who responded to the majority leader's statement. First, I refer to the colloquy appearing on page 633 of the hearings of the Committee on Foreign Relations:

Senator THURMOND. What people want to know is this: We have been reading about fallout, fallout in milk, and fallout in food and resulting injury to the future generation. Is it possible for this fallout to bring about sterility and various other reactions?

I just want to ask you whether you feel that there is danger to people's health from the little fallout radiation resulting from the tests we have conducted?

Dr. FOSTER. No, sir.

Senator THURMOND. Your answer is "No"?

Dr. FOSTER. My answer is "No."

Senator THURMOND. Thank you.

I now refer to the questions and answers which appear on page 214 of the hearings before the Senate Committee on Foreign Relations:

RADIOACTIVE FALLOUT

Senator RUSSELL. Dr. Seaborg, I read in the paper, I believe the day before yesterday, that there is twice as much radiation in milk today as there was 3 years ago.

Is that approximately right?

Dr. SEABORG. That would depend on the section of the country that was being referred to. I would like to say that there are probably sections of the country where there is twice as much strontium 90 in the milk now as there was 3 years ago, yes, sir, Senator.

Senator RUSSELL. Has that yet reached a point where it is sufficient to endanger the human family?

Dr. SEABORG. No, sir.

Senator RUSSELL. It is a long way from it?

Dr. SEABORG. It is a considerable distance from it, yes, sir.

Senator RUSSELL. I must express my surprise that you did not refer to any advantages to be gained from lessened fallout. Some of our practicing politicians have been predicating their vote on this treaty on what they call very cynically and irreverently the "mother vote," because the treaty would lessen the dangers of increasing the fallout.

But I commend you for being frank and honest with the committee and not bringing in an objection that is captious and not genuine.

Mr. SYMINGTON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. Let me call to the attention of the Senate the fact that the Joint Chiefs of Staff are on record as stating that testing in the atmosphere would be necessary under present conditions. In other words, as I understand, if the Soviet Communists were not prevented by this treaty from testing in the atmosphere, the Joint Chiefs of Staff believe that testing in the atmosphere would be resumed.

Mr. SALTONSTALL. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am glad to yield.

Mr. SALTONSTALL. The Senator from Montana has just answered a number of questions by the Senator from Iowa. However, is there not a very important point which he has not mentioned? If the treaty is rejected by the Senate what will be the psychological effect on the 99 nations which already have signed it? Will not that effect be a very bad one?

Mr. MANSFIELD. The Senator from Massachusetts is correct. I have stated only one effect. Of course, there are many others.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am glad to yield, if I have any time left.

Mr. DIRKSEN. I yield 1 minute to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. I am interested in the Senator's statement that Senate adoption of the reservation would kill the treaty. I have to agree with him. But can he give us any assurance that other proposals, such as the preamble to the resolution, as proposed by a Senator who is opposed to the treaty, would not have the same effect?

Mr. MANSFIELD. I certainly can; it would not have the same effect. It will be in order, and I think it is a good preamble.

Mr. JAVITS. I thank the Senator. The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. GOLDWATER. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. Five minutes.

Mr. GOLDWATER. Probably I shall not use all of it.

Mr. President, after listening to the objections which have been voiced to my reservation, I have reached the conclusion that they are based entirely upon the alleged inappropriateness of the reservation. But I point out that the same argument has been used against proposed reservations on many occasions when the Senate has considered proposed treaties. For example, I recall, in that connection, the reservation offered to our treaty with Japan and the reservations proposed to the Treaty of Versailles. One of those reservations provided, as I recall, denial by the United States of its participation in any organization which might be formed among the other nations associated with that treaty. Similarly, when the Senate was considering the 1923 commercial treaty between the United States and Germany, the same argument of inappropriateness was made against a reservation which provided that nothing contained in that treaty was to be construed as affecting the existing rights of either country in relation to the admission of aliens or the right of either country to enact statutes in that connection.

In my opinion, any reservation offered to a treaty is appropriate and germane. The Senate is charged by the Constitution with giving its advice and consent to treaties. Heretofore, I have tried to point out to the Senate that if it is merely to receive proposed treaties from the State Department and the executive branch, and is not really to give its advice and consent, but merely to pass on them pro forma, the Senate will not be doing its duty.

No Senator has denied to any other Senator the right to propose reservations. I think this debate has, on the whole, been one of the finest to which I have listened. I take this opportunity to compliment the chairman of the Foreign Relations Committee, who conducted the hearings in a very courteous, gentlemanly, and sincere way; and I enjoyed very much sitting with him.

It has also been argued that we should consider what other nations might think if we even proposed a reservation. But only two countries in the world, other than the treaty signers, seem to have any possibility of the creation of a nuclear weapons capability—although the scientists tell us that any nation can develop nuclear power. However, whether they can use it as a weapon is doubtful.

I do not care what the 99 nations think about us; I think we must maintain a strong military capability. I will vote against Senate approval of the treaty

1963

CONGRESSIONAL RECORD — SENATE

16809

because of my fear that by its ratification of the treaty, the United States would weaken itself.

I remind Senators that the treaty would require our country to pay a high price. Although the future may prove the treaty to be worth that price, at the moment I have my doubts.

In 1961 and 1962, the Russians conducted tests which our scientists believe yielded to the Russians information that we do not have.

So, Mr. President, both from the military standpoint and from the scientific standpoint, I believe it would be wrong for the Senate to approve the treaty. If, instead, we had continued the efforts to obtain a full ban on all on-site testing, even though that might have taken some time, I believe that would have been the better way to proceed.

Mr. President, I have offered the reservation in good faith. I have not offered it with any intention of killing the treaty, because I do not believe it would kill the treaty. I believe that the opponents are merely conjecturing as to what Khrushchev might do. I am also conjecturing as to what he might do. I believe he wants the treaty. It is to his military and scientific advantage to have the treaty. Therefore, I am of the opinion that he would go quite a way to get the treaty, because if he has the information that our scientists and military experts feel that he must have, he now has a decided advantage in the field of nuclear physics and in the possibilities of developing stronger weapons and defenses than our own. For that reason, and that reason alone, I shall vote against the treaty.

I urge that consideration be given to my reservation. It would not affect the language of the treaty. It would merely ask our enemy to do that which he has promised twice to do, namely, to get out of Cuba.

Mr. KEATING. Mr. President, will the Senator from Illinois yield me 2 minutes for the purpose of interrogating the Senator from Arizona?

Mr. DIRKSEN. I yield 2 minutes to the Senator from New York.

Mr. KEATING. I recognize the objective which the distinguished Senator is seeking. As the Senator from Montana said, I believe that is the objective of every Senator. I wish the Senator could see his way clear to withdraw his reservation. I make that statement for the following reason. Many Senators are dedicated to the removal of Russian troops and weapons from Cuba. We look upon their presence in Cuba as a menace to the security of the Western Hemisphere. I shall feel compelled to vote against the reservation because it is my judgment—and apparently it is the judgment of other Senators—that such a reservation would kill the treaty. I know that the Senator from Arizona is sincere in opposing the treaty, but many Senators who favor the treaty do not wish to see it killed by attaching a reservation of the character of the one proposed.

If the Senator does not see fit to withdraw his reservation, let it be clear that if the reservation is defeated—and I be-

lieve it will be defeated by a rather overwhelming vote—defeat is not to be construed as meaning that we are ready to accept a continuation of Russian troops and weapons in Cuba.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GOLDWATER. Mr. President, will the Senator yield 1 minute to me so that I may answer the Senator from New York?

Mr. DIRKSEN. I yield 1 minute to the Senator from Arizona.

Mr. GOLDWATER. I cannot in good conscience withdraw the reservation. I wish to make it perfectly clear that I do not consider a vote against the reservation as indicating a desire on the part of any Senator to see the status quo continue in Cuba. I also recognize that no Senator has been more accurate and diligent in his forecasting of what is going on in Cuba than has the distinguished Senator from New York. I believe this reservation is a price that we ought to exact from our enemy in payment for the military disadvantage in which we are placed. That is my reason for offering the reservation.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. I believe it is well known that I share the views of the Senator from Arizona with regard to the menace presented by Cuba, his grave concern at our failure to do anything about it, and his feeling about the remarkable inaction which pervades the administration in its apparent firm resolution to take no action whatever at any time, now or in the future, with regard to Cuba. If missiles are still in Cuba, they should be removed, and the troops there should be removed. So I am totally in sympathy with the sentiments expressed by the Senator from Arizona. However, I am rather reluctantly drawn to the conclusion that the Senator's reservation would not accomplish the purpose which he has in mind. If I thought it would, I would vote for it. Feeling that it would not, I am constrained to be against the reservation.

Mr. ALLOTT. Mr. President, will the Senator yield 1 minute to me?

Mr. DIRKSEN. I yield 1 minute to the Senator from Colorado.

Mr. ALLOTT. I am in accord with my friends the Senator from New York [Mr. KEATING] and the Senator from Pennsylvania [Mr. SCOTT]. Many of us have tried to call to the attention of the Senate repeatedly the fact that, in the foreign policy of our country, we cannot forget Cuba. For Senators who feel so strongly about Cuba, to vote against the reservation will be a most difficult task. I merely wish to make it clear that when I vote against this reservation, I shall not have changed my feelings concerning Cuba.

Last week the Senator from Arizona rejected my thought that the time when we should have insisted on such a reservation was before the treaty was signed. I still believe that to be true.

But I also believe that if a Senator has come to the same conclusion that

I have—though somewhat reluctantly—that he will vote for the treaty, then a vote on behalf of this reservation would vitiate a vote for the treaty itself. For that reason I shall vote against this reservation. But I shall not relinquish my hope that we may impress upon the State Department and the President the absolute necessity that we do something immediately and positively in relation to Cuba.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I think the important thing we must remember is that the Cuban people are a part of the human race, too, and that while they live in Cuba, they are not part of the human race. They will be as affected in relation to the object of the treaty as will all the rest of us.

What about the East Germans and the central Europeans? How about the 99 nations that have already signed the treaty? They would feel extremely bad if we killed the treaty by voting for the reservation. In my judgment, that is exactly what we would be doing. In addition, we would be driving Khrushchev into the arms of Mao Tse-tung by saying that we cannot do a thing with Khrushchev.

Mr. President, while I am on my feet, there are two things we must nail down. We cannot approve the treaty on the theory that the Soviet Union will not get anything out of it. We are not children. Of course they will get something out of it. Nor can we fail to ratify the treaty because Khrushchev wants it. We want it, too. We have our reasons; he has his reasons. The margin may be slim, but I think it is in favor of ratification and decisively in favor of rejecting reservations which would kill the treaty.

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from New Mexico [Mr. ANDERSON].

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

SAM GILBERT BRATTON

Mr. ANDERSON. Mr. President, just a week ago I reported to the Senate the death in New Mexico of our former colleague, Carl A. Hatch. Now today I rise again to announce the passing of another former colleague, also a former Senator from New Mexico, Sam Gilbert Bratton. Sam Bratton, who served in the U.S. Senate from March 4, 1925, to June 1933, died 1 week after his former law partner Senator Hatch. Sam Bratton was born in Kosse in Limestone County, Tex., August 19, 1888. He was admitted to the Texas bar in 1909 and moved to Clovis, N. Mex. in 1915 to practice law. From 1919 to 1922 he served as judge of the Fifth Judicial District of New Mexico. In 1922 he was elected an associate justice of the New Mexico Supreme Court, serving on the highest bench in New Mexico for 21 months until he resigned to accept nomination to the U.S. Senate. He was elected in 1924, and served in the Senate until his resignation in 1933 to accept appointment

16810

CONGRESSIONAL RECORD — SENATE

September 23

as a judge of the 10th Circuit Court of Appeals. Judge Bratton retired in 1962 and made his home in Albuquerque, where he was a member of the Methodist Church and a 32° Mason and Shriner. He was a highly regarded member of the court, and his passing will be mourned by many of those to whom he was a friend.

THE NUCLEAR TEST BAN TREATY

The Senate resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater.

THE PRESIDING OFFICER. All time on the reservation has expired.

The question is on agreeing to the reservation offered by the Senator from Arizona [Mr. GOLDWATER]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. CARLSON (when his name was called). On this vote I have a pair with the senior Senator from Nebraska [Mr. HRUSKA]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

MR. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Louisiana [Mr. LONG]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

MR. HUMPHREY. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from California [Mr. ENGLE] would each vote "nay."

MR. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent and his pair has been previously announced by the Senator from Kansas [Mr. CARLSON].

The result was announced—yeas 17, nays 75, as follows:

[No. 162 Ex.]

YEAS—17

Bennett	Jordan, Idaho	Stennis
Byrd, Va.	Mecham	Talmadge
Curtis	Mundt	Thurmond
Dominick	Robertson	Tower
Eastland	Russell	Williams, Del.
Goldwater	Simpson	

NAYS—75

Aiken	Cannon	Ervin
Allott	Case	Fong
Anderson	Church	Fulbright
Bartlett	Clark	Gruening
Bayh	Cooper	Hart
Beall	Cotton	Hartke
Bible	Dirksen	Hayden
Boggs	Dodd	Hickenlooper
Brewster	Douglas	Hill
Burdick	Edmondson	Holland
Byrd, W. Va.	Ellender	Humphrey

Inouye	McIntyre	Proxmire
Jackson	McNamara	Randolph
Javits	Metcalf	Ripicoff
Johnston	Miller	Saltanstaal
Jordan, N.C.	Monroney	Scott
Keating	Morse	Smathers
Kennedy	Morton	Smith
Kuchel	Moss	Sparkman
Long, Mo.	Muskie	Symington
Magnuson	Nelson	Walters
McCarthy	Neuberger	Williams, N.J.
McClellan	Pearson	Yarborough
McGee	Pell	Young, N. Dak.
McGovern	Prouty	Young, Ohio

NOT VOTING—8

Carlson	Hruska	Mansfield
Engle	Lausche	Pastore
Gore	Long, La.	

So **MR. GOLDWATER's** reservation was rejected.

MR. FULBRIGHT. Mr. President, I move to reconsider the vote by which the reservation was rejected.

MR. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MR. MUNDT. Mr. President, I send to the desk an amendment to the resolution of ratification, and ask that it be read for the information of the Senate.

THE PRESIDING OFFICER. The amendment offered by the Senator from South Dakota will be read.

The legislative clerk read as follows:

At the end of the resolution of ratification add the following new paragraph:

"It is the sense of the Senate that in the negotiation of any future treaty or amendment to a treaty (including any amendment to this treaty) which becomes effective only when ratified by certain specified parties, it should be the position of the United States that no other country should be permitted to sign or accede to such treaty or amendment until it shall have been ratified by such specified parties."

MR. MUNDT. Mr. President—

MR. DIRKSEN. Mr. President, will the Senator yield?

MR. MUNDT. I yield.

MR. DIRKSEN. In addition to the time allowed under the amendment, I yield to the Senator 15 additional minutes under the treaty.

MR. MUNDT. Mr. President, in the 46 days since President Kennedy transmitted to Congress the treaty banning nuclear weapons tests in the atmosphere, underwater, and in outer space we have witnessed throughout this Republic a true demonstration of democracy at work through the attention being given by citizens individually and in groups to the effect which the provisions of this treaty will have on the future peace of the world, and more especially on the future of this country which we all love and cherish.

During the past 46 days I have, as one of the more recently appointed members of the Senate Foreign Relations Committee, engaged in intensive studies of all the ramifications of this treaty. Knowing that the final responsibility for approval or rejection of this proposed treaty lies in the hands of the 100 Members of this great deliberative body, I have searched diligently in all areas of activity on this treaty for the full information behind the treaty and what its provisions will mean to the world. I have attended the hearings of the Foreign Relations Committee, listening to

the testimony of the expert witnesses before that committee and after listening to them I have gone back to the record and reread their analysis of the treaty.

I have, in addition, attended many secret executive sessions during which significant reports were heard and relevant factors were discussed. I have listened to the speeches which have been delivered on the floor of the Senate on the subject. I have sought out and visited with other Senators and with defense experts in an effort to obtain their knowledgeable opinions on the provisions of this treaty and their effect on the future of America. All of us in this great body have the same objective—to advance the cause of peace and freedom. I know that all of us hope that we can cast our vote with all of the wisdom we can command and with respect for the judgments of all others in their decision—each with the same hope that, whatever our vote may be, it will advance the cause of peace with freedom for all areas of the world.

Forty-six days ago when debate started throughout the country on this treaty there was confusion in many minds as to just what the language of the treaty implied. I myself was amazed and disappointed at the loose and ambiguous language which was used in the drafting of this treaty. It was difficult to reach agreement with anyone on just what the provisions of this treaty meant. However, after 46 days of debate throughout the country and after extensive hearings by at least two Senate committees and through legal memorandums submitted for the official record, there has now evolved a much better understanding of what the meaningful provisions of the treaty really are. We know that this treaty prohibits nuclear weapon tests as well as all other nuclear explosions in peacetime in three environments: the atmosphere, underwater, and outer space. Underground explosions are permitted so long as the radioactive debris remains within the country where the explosions take place. Peaceful experiments and uses in which we are interested can be conducted underground within the limits of the treaty.

The treaty does not end the arms race. It does not necessarily even ameliorate it. It does not reach the essential goal of controlling nuclear weapons testing or of safeguarding the world against their use. In fact, I am one who feels there is more that this treaty does not do than that which it actually accomplishes.

There is an old Arabian proverb which says:

Four things there are which never return: the sped arrow, neglected opportunity, time spent, and the spoken word.

It is my firm belief that in the development and presentation of this treaty there is a vast element of neglected opportunity. There is for me more of tragic disappointment than of real significant achievement. It is possible, but I hope not necessarily so, that this treaty could become a disastrous setback to the world's hopes for nuclear disarmament, the outlawing of nuclear warfare, and the provision by treaty for adequate and positive mutual onsite inspection in all nations to insure that the threat of nu-

1963

CONGRESSIONAL RECORD — SENATE

16811

clear war is forever eliminated. Let us all hope and pray that in our zeal to settle for this second best arrangement and agreement that we did not miss the world's best opportunity to attain the real objective of a complete and comprehensive nuclear weapon test ban treaty with full and unrestricted onsite inspection by all parties combined with the outlawry of nuclear war and the orderly but total disarmament and destruction of all nuclear weapons.

We have been told by our President and by our Secretary of State that "changed conditions" of some type—they have never been able or willing specifically to define those changes or conditions—have in some way given Khrushchev and the Russians an urgent desire to join us in some type of treaty discouraging nuclear testing, armament and war. Perhaps this is true since for so long Russia has resisted so vigorously any such treaty not tied in with other considerations completely unacceptable to the United States. However, assuming the truth of this report and the fact that Russia confronts changed conditions—be they economic, political, or because of difficulties with their Communist Chinese cohorts—it was all the more imperative that our leaders endeavor to achieve the big success and accomplish the significant goal of inducing Russia to sign a comprehensive nuclear treaty which would: first, outlaw nuclear war; second, prevent all forms of nuclear testing other than for peaceful pursuits; third, provide for the orderly and complete disarmament of all existing nuclear weapons; and fourth, include safeguards and provisions for on-site mutual inspection—completely without restrictions or limitations—so that all parties concerned would be positive in their knowledge that all terms of the treaty would be met and continued in compliance.

That, Mr. President, is the type of nuclear treaty for which I would like to vote. That would have been a real breakthrough for peace—a genuine step forward—a mighty "first step on a long journey" the destination of which would be permanent peace and clear to all.

During the hearings I asked the Secretary of State and others how hard we tried at the treaty-formulating meeting to win this real victory for humanity—to get a wholly effective nuclear treaty. I was assured an effort had been made. But when we asked for the transcripts of the discussions; for a record of what was asked and offered and denied; for a detailed statement on the terms we carried to the meeting and the reasons why a more comprehensive and complete treaty including mutual on-site inspections we were met with the hoary old argument of Executive privilege and the denial of our request that those background papers be made public. Likewise, the public is to be kept in darkness concerning the details of the Kennedy-Khrushchev correspondence. All of this I resent and deplore but most especially I deplore and resent the fact that if indeed changed conditions forced Russia to alter its position and sign a treaty de-

void of extraneous considerations, our country missed its greatest opportunity by settling for far less than what a more determined, talented, and persistent approach could have provided at the meeting prior to the initialing of the treaty text.

I hope I am wrong, but I fear that this golden opportunity to move the Communists in our direction on nuclear disarmament may not come soon again. I am sorry and worried that we settled so quickly and so easily for something second best if it is indeed that good.

I also recognize that now that we have initialed the text of the treaty and to all intents and purposes thereby given Executive agreement to the treaty that it could well be that to fail to ratify this second best treaty now might make further progress or future understandings not only improbable but perhaps impossible. To do nothing in this area of importance to world-survival is to invite an acceleration and proliferation of the nuclear armament race—to continue indefinitely and without restraint the rival and unfriendly competition in building and testing weapons of annihilative destructive power is to invite ultimate nuclear war. This is an unthinkable alternative—nuclear war—a death knell for the blessings of civilization and freedom as we know them and enjoy them today.

The discussions of the past 46 days have cleared up many points of distress in the minds of all of us on the effects of the provisions of this treaty. We have now been assured by Dr. Glenn Seaborg, Chairman of the Atomic Energy Commission, and by Dr. Edward Teller that the commercial and domestic pollution of atmosphere in our country has more of an adverse effect on the health of our people than does existing radiation fallout. In fact, these experts established that fumes caused by the exhausts of cars and trucks are more inimical to our national health than all the accumulated radiation from the atmosphere.

I will not duplicate the facts which were inserted in the CONGRESSIONAL RECORD by Senator BYRD of West Virginia, on September 19. Senator BYRD of West Virginia placed in the RECORD all of the excerpts from the testimony of all the hearings which completely proved the falseness of the assumptions which have been made that "we need this treaty to protect our people from the disastrous effects of nuclear fallout." I would like to insert in the RECORD at this point in my remarks, however, some additional evidence coming to me in a letter from Dr. John H. Lawrence, director of Donner Laboratory, University of California, Berkeley.

I believe that Dr. Lawrence's testimony on this point is significant, albeit it reaches us so late in the consideration of the treaty. He writes:

DEAR SENATOR MUNDT: I am taking the liberty of writing to you regarding the discussion of radiation and fallout in the test ban treaty debate. My purpose is not to argue the larger merits of the treaty but rather to express the view that the fallout fear has been overemphasized, with potential harm to our future security and to

our future peaceful use of atomic energy. I have been increasingly alarmed by newspaper reports in which men of high position in our Government repeatedly argue that testing must be stopped because of possible present and future damage to the population of the world from radiation fallout.

I have worked in the field of biological and medical uses of atomic energy since 1935, when the first radioactive isotopes and the new nuclear radiations were available from the first cyclotrons, and having been active in the research and practical aspects of radiation protection since those early days I have concluded from my work that any risk from a slight increase in background radiation resulting from nuclear testing is negligible compared with the risks of modern living incurred routinely and with little public concern: smog, cigarette smoking, chemicals in industry and agriculture, automobile driving—these and other modern risks are greater than those from the fallout of nuclear testing. When viewed in perspective, the very small relative risks of fallout from testing are of little consequence in evaluating this treaty. The real questions are whether the treaty enhances our national security and whether it reduces the risks of nuclear war, this latter being the real danger of radiation damage. Terrorizing our people about fallout now is not only using the wrong argument for the treaty but it may very well inhibit us in performing future weapons tests when such tests may be vital to our security. Moreover, the fear thus engendered may have inhibiting effects on our rapid development of nuclear power, which is essential to maintain a high standard of living for a growing population. I urge that we keep radiation in perspective.

I am sending on to you a copy of a statement I made on this subject in the summer of 1958. It was during that summer the United States sent to Geneva three scientists, one of whom was my brother, Prof. Ernest O. Lawrence, to discuss with the Russians cessation of testing. No one was more interested in making every effort to bring this about than was my brother, if it could be done without endangering the future of this country and the free world. By emphasizing danger from fallout we are neglecting other more important dangers.

Very sincerely,

JOHN H. LAWRENCE, M.D.

So speaks Dr. John Lawrence, who works in this field and who is the brother of Dr. Ernest Lawrence, of South Dakota, the Nobel Prize winner who directed the work in splitting the atom at the University of California, thus enabling this country to move forward in the nuclear field. I am proud to state that the father of these men was the president of one of our fine State teachers' colleges in South Dakota for many years, and the Lawrence brothers are true South Dakota products.

We learned from Secretary of Defense McNamara and other Defense Department spokesmen such as the Joint Chiefs of Staff that this is not a step toward disarmament. In fact, Secretary McNamara strongly urges that not just the United States but the nations of the West continue to maintain their military strength as a foundation for future negotiations with the Soviet Union, and which I hope will continue.

In a memorandum inserted in the RECORD dealing with a speech which had suggested arms cuts and complained about America's having an overkill capacity, Secretary McNamara

16812

CONGRESSIONAL RECORD — SENATE

September 23

McNamara indicated he was convinced that large cuts in the strategic budget could not be adopted without substantial risk to our national security. He insisted we should become stronger rather than weaker in our military posture, and with this statement from our Secretary of Defense I completely agree.

During the consideration of the treaty we have been assured in testimony by the experts in the Defense Department and the scientists involved in getting the job done that there would be no cessation of testing underground or of arms development. We were assured by Dr. Bradbury, director of the Los Alamos Scientific Laboratory, that with underground testing we can develop and test whatever type of warhead may be required for an antiballistic-missile system. He further stated:

Small weapons, cleaner weapons, tactical weapons to the extent that any of these are needed and practical, can be worked on and improved. We can investigate many of the effects of nuclear detonations or other detonations on other nuclear warheads; information which is useful in connection with the study and design of system requirements for both offensive and defensive nuclear warheads and their delivery systems. Much knowledge already exists here, but much more can be found.

With this assurance from the experts—and we must rely on their testimony and their advice, we know we can remain nuclearly strong and capable of meeting any threat which might be posed by the Communist world if the treaty is abrogated. It is up to all of us to make sure that we maintain this capacity and strength.

MISSILE GAP

The sworn testimony before our two committees has also refuted for all time the partisan charge that during any period of our history America has suffered from a missile gap. We now have it direct from the Secretary of Defense himself that there has never been a missile gap which at any time enable the Russians to excel us in this field. Secretary McNamara assures us, too, that he will never permit one to develop under his jurisdiction and administration. He tells us categorically the United States leads the rest of the world combined—including Russia—in our missile power and might. If this treaty is ratified we place a solemn and unending responsibility upon President Kennedy, upon Secretary McNamara and upon their successors to maintain that lead so long as nuclear weapons form a part of the arsenal of any country in the world. They have accepted this responsibility. We in Congress have the corresponding responsibility to hold them to it.

Further, we have been assured by one and all who have appeared before the committee and by documents of legal interpretation inserted in the printed record that if the treaty is abrogated by the Soviets we can and will immediately activate our plans for continued testing where it would be prohibited by the treaty. In fact, I was assured in my questioning of Mr. McNamara that within a very short period of time we could and would carry out extensive and effective tests. We were assured that if Con-

gress provides the funds that the necessary equipment, scientists, and laboratories will be maintained for immediate atmospheric testing if that time ever comes to pass when the treaty is abrogated.

A BASIC QUESTION TO BE ANSWERED

Now let us look at the other side of the coin. We know that failure to ratify this treaty would actually settle nothing. Just as ratification of the treaty fails to end the peril of potential nuclear war and leaves more of the problems posed by nuclear weapons unsolved than it seeks to solve, so too the rejection of this treaty would do nothing to end the potential of nuclear war or to settle the problems or eliminate the dangers of our time and era of history. In support of ratification of the treaty it can be said, however, that it moves in the direction of solving one of the great problems which challenges our country in this atomic age. That problem stated simply is: "What will the future hold and what will be our situation if no restrictions are imposed against the proliferation of nuclear armed might beyond the countries now considered nuclear powers?"

Mr. President, that is a question which has plagued my mind and caused me many sleepless hours as I have devoted myself to an analysis of the factors involved in trying to determine how to cast my own vote on this matter of treaty ratification. If we reject the treaty and if by rejecting it we create an international climate in which no future and no more comprehensive treaty can be negotiated, what happens to our hope for survival if as time moves on we find not 3 or 4 countries with capacity to either start or wage a nuclear war but confront instead a world map on which 8 or 10 or 12 countries have developed that capacity? Who in all this world and what conceivable international mechanism can then insure civilization against the awesome consequences of a nuclear holocaust ignited by design or through accident by any of these countries? Does anyone anywhere believe such action would not escalate into worldwide nuclear war and destruction? This treaty at least has the merit of limiting and discouraging other nations from entering this mad race toward disaster and if despite such a worldwide expression of policy some nation violates its prohibitions we revert at worst to a resumption of the pagan rivalry in nuclear destruction in which we are now engaged.

A FACTOR LARGELY OVERLOOKED IN THIS DEBATE

I turn now to a factor which, very strangely, has largely been ignored in the debate. When we stop and look at the situation which exists today we must realize that the inhibitions of this treaty place no greater restrictions upon us than upon the other nations of the world.

There have been far fewer new restrictions proposed for us in fact than those proposed for imposition upon the other nations of the world. From a careful study of all the evidence presented, I cannot convince myself that ratification of this treaty creates any vast new changes in our present security programs or nuclear weapons testing programs that are likely seriously to jeopardize our de-

fense capacities or our abilities to carry nuclear war to the enemy should such an eventuality occur.

It has been largely overlooked in this debate but actually a proper evaluation of our policy today finds that our current American policy of nuclear testing is that we will not test in the atmosphere and thus no significant changes are involved in the ratification of the treaty except that it would also prohibit the testing underwater. We are advised that underwater testing has value only insofar as determining the effect of a nuclear blast on ships but has no value on improving the efficiency of an overall nuclear weapons system.

All of us as responsible legislators know that under our Constitution and separation-of-powers concept of government the President, as the Commander in Chief of our Armed Forces, and the focal point of our foreign policy, has the plenary authority to effectuate certain decisions on national policy. One of these decisions which the President has made is whether to test nuclear weapons under certain conditions or whether not to test; whether to utilize or not to utilize atmospheric testing in our nuclear arms development program. Perhaps I can be corrected but I know of no congressional action whereby we, as Members of the U.S. Senate, can compel the President to proceed with a weapons testing program at a time when he specifically opposes it and has in fact publicly announced a program which bars such tests.

On June 10, 1963, in an address at American University, Washington, D.C., President Kennedy stated:

I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume.

President Eisenhower had declared such a moratorium on testing which was broken by Soviet testing in 1961. Now President Kennedy, through his statement and decision of June 10, has placed in effect the vital and most significant provisions set forth in the treaty now before us. In my opinion, it is therefore necessary that any consideration given to the defense implications of this treaty must be made with relationship to that public establishment of American policy by the President on June 10, 1963.

Thus, Mr. President, whether or not we ratify this treaty actually makes very little difference today—technically—on our testing procedures. We are barred by the self-imposed restrictions in that Presidential proclamation from atmospheric testing. The Russians are not so bound. Thus this treaty actually extends to Russia—so long as she conforms with its provisions—and to all other signature nations the prohibitions and restrictions against atmospheric testing which President Kennedy imposed on the United States on June 10. It clearly imposes upon Russia, therefore, far more inhibitions than it adds to our prevailing policy in the United States.

We must keep in mind that this treaty bars testing in three areas: In the atmosphere, in outer space, and underwater. Basically the restrictions on testing above ground have been in effect in the United States since June 10, and as I

pointed out earlier in my remarks, no case has been made by any scientific or military authority for the imperative importance of underwater testing. Since it is inconceivable that any President would pledge this country to refrain from atmospheric testing while secretly ordering tests in outer space, this means this treaty actually changes the status quo of our American policy on nuclear weapons testing primarily by including the prohibition of underwater testing. Underground testing will be continued regardless of whether this treaty is ratified or rejected. And—I repeat—underwater testing is of minimal importance according to all testimony.

I am certain that we could develop another 46 days of debate over the wisdom and the desirability of the President's proclamation whereby such specific self-imposed restrictions were prescribed for the United States so long as no other nation held nuclear tests or conducted nuclear explosions above the ground.

Speaking for myself, I regret President Kennedy's announcement and feel that both our national defense posture and our treaty bargaining power would have been much stronger had he not made such a proclamation. Unfortunately that is now "a spoken word" which cannot be recalled. However, Mr. President, it does not appear realistic to believe that since this is today our policy, we have so much to lose that we should reject extending this prohibition to other nations by treaty since a violation by one nation frees all nations from all of the restrictive provisions of the treaty. Further this treaty does not in any way change our capacity or inhibit our activities in underground testing.

Therefore if we consider this treaty in the perspective in which it was negotiated with the knowledge of our prevailing policy of banning our own atmospheric testing, I am convinced that it is in our best national interest and the better choice for the preservation of world peace to ratify this treaty. I shall so cast my vote in the treaty rollcall during Tuesday's session of the Senate. In so doing I readily acknowledge, however, that strong and persuasive arguments can be made against such ratification, and I respect the individual judgment of every Senator who votes either "aye" or "nay" on that important rollcall. All of us will be voting with the realization that only the passage of time, and perhaps the ultimate verdict of history, will determine who was right and who was wrong in this decision.

Mr. President, like other Senators I have received a great volume of correspondence and counsel on this subject. All of it has been valued, has been evaluated, studied and considered. I regret my secretarial facilities are so limited that I could not undertake to answer anything more than a very small fraction of the mail and messages received from outside the boundaries of South Dakota. To all South Dakota communications, I have of course replied by personal letter. The letters from my home State reflected the divided opinion which prevails among us all, although it is simply honest to report that by a comparatively narrow margin more communica-

tions reached me from home against the measure than were received supporting ratification. In both instances, however, there was reflected an awareness of the seriousness of our decision, of its confusing and sometimes contradictory aspects, of the imponderable and the unpredictable elements involved, and in most cases a prayerful admonition that in the final analysis I call upon all the sources of information and reason at my command and vote my conscientious judgment. This of course is what each of us must do in a matter of this importance and potentiality. Consequently, that is what I shall do tomorrow.

ARGUMENTS AGAINST THE TREATY

Among the arguments heard during the testimony on the treaty and from those counseling us from their homes and offices were specific expressions of genuine concern on specific aspects of the treaty's consequences and implications. Again only history will determine the ultimate replies. Let me list a few of these points of opposition which give me great concern, however, primarily to emphasize and reiterate once again the necessity of maintaining an American policy—hammered out and implemented by both the executive and the legislative branches of our Government—which will help to minimize if not to eliminate the dangers and the problems suggested by those favoring rejection of the treaty.

First, The Communists will never keep a treaty once their own best interests lead them to favor its violation, and their record of perfidy and treaty violations is both long and notoriously bad.

This point states an admitted truth, and the Russian record clearly supports it. I have heard no prominent witness in the hearings deny or try seriously to minimize this fact. What then is the purpose of a treaty with an adversary who knows no God, is bound by no conscience, and who has no respect for veracity? The hope for success of the treaty—and with many of us, including myself—it is far more of a hope than it is an expectation—rests on the calculation that this is one treaty the Communists will find it in their own interests to continue in compliance.

If this calculation proves correct, it could result from a variety of reasons. Even the Communists realize a nuclear war would mean for them greater and more complete destruction than it would for the free world. They have no desire to die; sense no satisfaction to be derived from national suicide; recognize that a proliferation of nuclear armaments among the important nations of the world might readily create a greater balance of power against them than they would be able to establish in their favor. Too, the Communists have their economic problems. Their discontented subjects are deprived of standards of living much of the rest of the world enjoys. They seem unable to match the West in being able to equip their defenses and develop their forward striking capacity while at the same time supplying their own agricultural needs, their required and desired consumers' needs, and their nonmilitary industrial growth and capacities.

The Russians are having admitted problems with their Communist cohorts in Red China and to a lesser degree in other areas of the world. They are losing their prestige and their popularity with some of the neutral and uncommitted areas around the globe. They may be suffering serious second thoughts about their delusion that they can outstrip us in peaceful competition. Divisions of opinion are developing within their own Red empire. Problems and difficulties are not the exclusive inheritance of self-governing communities. And, if the Red Communist leaders break their word again, violate the terms of the treaty, return to prohibited areas of testing, they will stand condemned before the entire world for having shattered what has become a global hope—and in some areas a serious expectation—that this treaty might lead to more adequate and effective steps to protect the world against the calamities of nuclear war. Their consequent loss in stature and prestige around the world would be prodigious.

Second, Why sign a treaty that Red China has vowed to violate and that our honored friend and ally, France, rejects?

True, China may in all probability engage in atmospheric testing at such time as she develops the capacity to do so. If so, who knows by then whether such a violation will appear a greater and more dangerous threat to neighboring Russia or to the far distant United States? It might well develop that a Red China capacity to build and explode a bomb at nearby points without a delivery system which is effective more than 6,000 miles away could be of far greater concern to Russia than to us since she faces a neighbor with a population explosion far beyond that country's ability to feed. Conceivably—here again is more the expression of a hope than of an expectation—such a development could do far more to force a bitter cleavage between the Russian and the Chinese Communists than it would do to reunite them and to cement their unity. After all many wars have been fought between countries in which communism has no authority, and conflict between countries embracing communism is not beyond the realm of possibility especially when differences of culture, color, race, history, and the immediate necessities of expansion, food, clothing, and economic opportunities are involved.

However, assuming the worst, and granting a termination of the treaty caused by nuclear activity in Red China under conditions which find the two Communist giants still functioning as ideological partners and united in their desire to "bury us," we again could reap a real dividend from world opinion which finally and clearly would know America's desire for peace, and that treachery, trickery, aggression, duplicity, deceit, avarice, and that a mad desire to conquer the whole globe were the ingredients of communism in both countries so that close cooperation with the United States of America and the free world was the free world's only chance for survival and success.

The propaganda defeat for the Communists and the publicity weapon they

would be handing us could, in the field of winning the hearts and minds of men in neutral and uncommitted countries, rival in that important area of the cold war the explosive and destructive capabilities of the atomic bomb in a shooting war.

Third. How can we be sure our leadership in the White House and the Pentagon will faithfully and energetically promote our national defenses, keep in readiness our capacity to test in the atmosphere again should it become necessary, reject any tendency toward appeasement of communism, and be depended upon not to propose a second step and a third step which might weaken freedom at home or abroad?

The answer is simply and directly—we cannot be sure. We must depend in large part upon the patriotism, the good judgment, and the Americanism of whoever sits in the White House, or runs the Pentagon, at any given interval of history, combined with the determination, the good sense, and the courageous determination of Congress to function properly and to fully meet its constitutional responsibilities.

That is the process of democracy. It has served us well for a century and three quarters. We must believe it will continue to serve us well, because we are agreed it is the best system of government ever evolved by the mind of man. As a proud American, I have confidence in that system and in the ability and determination of our citizens generally to make it function properly and well. Under that system, certain constitutional powers are vested in each branch of Government. Treaty or no treaty; bad leaders, or scoundrels, or traitors could let freedom down and permit America to perish. Any suspected negligence; or ineptitude; or indifference to our defense and security needs at home and abroad; or any unreasoning program for appeasing communism would be as equally disastrous to our future and our security without a treaty as with one.

In matters of this type, we must place our faith in a system which has served so many, so mightily, for so long. We must not permit partisanship or distrust or disappointment to induce us to anticipate that our leaders will fail in their responsibilities as set out in the understandings, the interpretations, and legislative history, and the promises all now clearly made a part of this treaty-ratifying procedure. If we embrace such misgivings and use them as a basis of decision on the merits or demerits of this treaty, or its probabilities of success or failure, we could derive no solace from such opposition, since rejection of the treaty would leave us with our same system, our same leaders, the same inherent authorities available to the same men to protect or to weaken the processes and the defense of our constitutional freedoms.

Mr. President, I have grouped into the three foregoing categories some of the criticisms and most of the intense objections frequently evidenced against ratification. Except for the question of whether the treaty per se could jeopardize our security by giving the Com-

munist some type of advantage to grow stronger while we remain static or grow weaker, these three areas of opposition are most frequently reflected in my mail.

Even the points emphasized by the highly constructive and informative report of the Senate Preparedness Subcommittee dealing with our defense postures however, are placed in a different perspective and carry less significance when we reflect upon the fact that since last June the 10th, we have by Presidential proclamation imposed upon ourselves, unilaterally, the most significant and effective inhibitions and restrictions relative to atmospheric testing that are reflected in this treaty.

Since the United States is an honorable nation, these restrictions now inhibit us from above-ground testing for all realistic purposes. Most of the points raised in the Preparedness Subcommittee report can be answered only by the continued atmospheric testing which President Kennedy's proclamation now prohibits.

To propose by treaty that these same inhibitions and restrictions, plus the comparatively unimportant addition of the other restraints, also be imposed upon Communist Russia and ourselves, and all other treaty signers, does not appear to me to create problems and challenges severe enough to justify at this hour, and under these circumstances, the rejection of a treaty already signed by over 90 different nations of the world.

Surely if those 90 nations will all go as far by treaty as our President has proclaimed the United States will do by independent action, the potential gains should exceed the disadvantages of the prospective treaty.

OUR TREATY RATIFICATION PROCEDURE SHOULD BE CORRECTED

One final point, Mr. President. I deeply resent the implications and the precedents which might be established by one of the arguments frequently repeated for ratification of the treaty. It is on the basis of this resentment and this disappointment that I have sent to the desk a proposed amendment to the resolution of ratification. Some enthusiastic and uncritical supporters of this treaty argue that since so many nations have already signed the treaty, the United States must necessarily "go along with the crowd," taking its place in the long procession of adherents, and express our ratification of the treaty as a matter of course, or run the risk of losing prestige in the eyes of many countries and many areas of the world, most of which have no realistic potentiality for either building or testing a nuclear weapon.

While it must be admitted that under existing circumstances there is some small element of validity in this contention because of the manner in which this whole treaty process was handled, I want to go on record today as one Member of the Senate by saying that I resent a procedure which has the possibility of destroying the free choice of the United States in a matter of this consequence, and the "pistol-at-the-head-of-the-Senate" situation which it creates.

I protest against it strongly and serve notice now that so long as I am a mem-

ber of the Senate Committee on Foreign Relations, or so long as I have such authority in another important committee dealing with foreign relations; namely, on the State Department Subcommittee of the Senate Committee on Appropriations—so long as I sit in positions of this importance, Mr. President, I shall argue and act and urge as best I can to prevent a repetition of a procedure of this type. Should the present procedure become the accepted pattern for multilateral treaties of this consequence, a precedent conceivably could be established which in some situations would virtually destroy the constitutional power of the U.S. Senate to exercise its right to advise and consent in the treaty-making process.

A SUGGESTED CORRECTION

To all this, Mr. President, there is a positive and easy correction which should be made. The alternative to the current procedure is as clear as it is sound. A more careful draftsmanship of the test ban treaty, or a more considerate and cooperative Chief Executive could have and should have established a procedure whereby this treaty would not have been opened to the signatures of other nations until it had been finally approved and completely ratified by each of the three major parties which participated in its drafting, and affixed to its original text the initials of each such country's foreign policy officials.

I submit, Mr. President, that the ratification process should be completed before the treaty itself is opened up to other countries who had no part in developing its original text. The purpose of my proposed amendment is exactly that. I ask unanimous consent that the full text of the amendment be printed at this point in the RECORD.

There being no objection, the amendment proposed by Mr. MUNDT was ordered to be printed in the RECORD, as follows:

It is the sense of the Senate that in the negotiation of any future treaty or amendment to a treaty (including any amendment to this treaty) which becomes effective only when ratified by certain specified parties, it should be the position of the United States that no other country should be permitted to sign or accede to such treaty or amendment until it shall have been ratified by such specified parties.

Mr. MUNDT. Mr. President, the procedure of requiring full ratification by the countries originating the treaty, before it is opened for the signatures of others desiring to participate, would permit the U.S. Senate and the ratifying bodies of other countries to proceed with their constitutional duties to advise and consent free from the propaganda and pressure involved in the argument that to reject a treaty already signed by so many would virtually be considered by them as an act of bad faith and a breach of international understanding. Surely our constitutional forefathers, who reposed in the Senate this important responsibility in the treaty-making process, envisioned for us something far more significant and serious than a ceremonial consideration and a decision under international pressures when treaties are

1963

CONGRESSIONAL RECORD — SENATE

16815

involved which involve the very essence of survival.

The treaty itself wisely and properly provides that no amendments can be made to it which are not acceptable to each and all of its three original participants. This same procedure; this same safeguard; this same consideration should also be provided as a protection to the treaty ratifying authority of the Senate in all future treaties in which a few principals agree upon a tentative program which, if acceptable to them, they hope will also prove acceptable to nations less directly affected by its terms. Until future treaties are completely ratified by the countries proposing them, no other country should be offered the opportunity to sign such treaties.

I shall vote to ratify this treaty on the basis of the reasons and considerations set forth here by my presentation this afternoon. In so doing I, however, give no assurances of support for a second step, or a third, and I do so in the full realization that this is both a hard and a close decision.

This same procedure, this same safeguard, and this same consideration should also be provided as a protection to the treaty ratifying authority of the Senate in all future treaties in which a few principals agree upon a tentative program which, if acceptable to them, they hope will also prove acceptable to nations less directly affected by its terms. Until future treaties are completely ratified by the countries proposing them, no other country should be offered the opportunity to sign such treaties. I repeat: That process of ratification includes a vote by the Senate of the United States.

I shall vote to ratify this treaty on the basis of the reasons and considerations set forth here by my presentation this afternoon. In so doing I, however, give not assurances of support for a second step or a third, and I do so in the full realization that this is both a hard and a close decision.

Good arguments can be made and have been made on either side. Good Americans of equally fine patriotic motivations are divided on the wisdom of the treaty. On balance I cannot escape the conviction that the problems and the challenges to our peace and freedom flowing from a rejection of the treaty are greater than those stemming from its ratification in view of the exceedingly small degree of extra inhibitions placed upon our defense developments compared with those which were established by Presidential action on June 10.

I do so also in the hope that all nations may find it to their own best interest to respect the treaty and to move forward to a workable, realistic, mutually inspected comprehensive nuclear treaty which will outlaw war and place in operation effective and enforceable procedures of complete nuclear disarmament.

In closing, may I say this treaty should stimulate rather than restrain us in this body to move effectively in the direction of winning the cold war so that a shooting war may never eventuate. Let us develop a freedom academy to train effectively those serving America overseas.

Let us being a reappraisal of our aid and assistance programs in foreign areas so that consistency rather than expediency may govern them. Let us provide leadership to move the free world toward greater and more successful cooperation in diplomatic, economic, and defense activities.

And let us finally insist, as Senators who sit here in the great tradition of the Senate, that in future treaty deliberations we develop a formula of cooperation with the White House and the State Department whereby our constitutional rights to advise and consent are not limited by circumstances to the narrow choice of saying "Yes" or "No" because to dare to advise or to share our combined counsel with the executive department through changes or reservations in the treaty might be construed by early and only slightly affected or involved signatories as either a repudiation of our President or a rebellious endeavor to reject and repel conciliatory and cooperative attitudes as expressed by these countries through their ceremonial signatories.

Mr. President, I have not been a Member of Congress for 25 years without learning some of the practical realities of parliamentary life. I recognize that in a debate of this kind at this late hour, when a presentation is not in print or when it is proposed as a reservation, amendment to the treaty, or an understanding, at a time when more Senators are absent from the Chamber than can possibly be present, it would be indeed recalling the age of miracles for such an amendment or proposal to be approved.

Consequently, as a result of having had an opportunity to talk about my proposed amendment to the resolution of ratification, and having had an opportunity in the past few days to discuss with people of importance in our Government the validity, the soundness, the logic, and the constitutionality of the proposal contained in my amendment, I have great hope that, through areas of understanding developed between the executive and legislative branches of the Government, with general agreement on the part of many Senators that we should protect our constitutional right, that we can bring about in future treaties or in amendments to the present treaty the kind of procedures recommended in my amendment. My amendment could have no effect upon the present treaty. Those more than 90 nations which have already signed this treaty have already signed it. It would, however, have an effect upon amendments to it and upon new treaties.

In this nuclear age it appears we are entering into a sort of uncharted sea so far as treaty-making is concerned. Normally, treaties have been bilateral or multilateral in nature. Normally, they have either been treaties of that kind or wholly international in character, as in the establishment of the U.N. or League of Nations. It is seldom that a treaty is proposed by a few great powers that have specific problems and responsibilities, and then after an agreement has been reached, the other countries of the world are called in to concur and to support

those agreements. If we are to proceed toward the preservation of peace, if we are to develop what I believe is the mandatory ultimate of having a treaty someday which will outlaw nuclear war, disarm nuclear weapons, and provide the full degree of mutuality of inspection essential to survival, the nuclear powers will have to meet, talk, argue, and, I hope, arrive at an agreement.

When and if that day or those times come, if we approach the procedure step by step, I wish to preserve the right of the U.S. Senate to operate unfettered by advance commitments ceremonially entered into by other nations. I wish such treaties and future amendments to the present treaty to include a provision that before other nations are asked to sign the treaty, the principals with most at stake should complete the procedures of ratification, so that what other nations will be asked to sign will be a treaty that is fully ratified by all those responsible for its making, instead of a piece of paper, which could conceivably be torn up in front of the eyes of the world if any one of the ratifying bodies decide to reject it.

Mr. President, to me this proposed change in procedure makes good sense. It is sound constitutional procedure. It makes good sense enough so that I am willing to rely on fighting out the battle on a second front, at another time and in another area, when I believe we can win the cooperation of the Secretary of State on that kind of proposal. If we are disappointed in that hope, we are still not without weapons at our command.

Other treaties will have to be brought before this body for ratification. Other proposals and amendments will have to be brought before the Senate. Those responsible for foreign policy will still have to come before this body for the wherewithal with which to finance a foreign policy.

If in fact, instead of in theory, what they have done here is to attempt to downgrade the Senate, sidetrack us, sidestep us, sabotage our powers in treaty consideration, I am prepared to wage that fight and resist that attack upon our constitutional prerogatives at another time and on another front. On this date of history I do not believe that is their intent and their desire. I hope it is not. But the way to demonstrate that it is not, is so clear, and so simple, that it is set out for all to see in the simple words of my proposal. The future attitude of the White House and the State Department in this matter will be such, of course, that history will disclose precisely what is their desire.

I do not propose to ask for a vote on my amendment at this time, because I do not wish to have it defeated by Senators who have not heard the arguments. I do not wish to have it acted on by Senators who are met at the door by party tellers who say, "Vote 'no,'" and who do not even know on what they are to vote, or the basic arguments in support of affirmative action.

I should like for the country and the Congress, as well as the executive department to have an opportunity to consider this proposal on its merits and to

16816

CONGRESSIONAL RECORD — SENATE

September 23

refute the suggestion with logical arguments, if they can be developed.

There will be another time, another day, here on the Senate floor or somewhere else, to allow Members of the Senate to vote their convictions and demonstrate their desire, if they have it—as I hope and believe they have—to maintain the proud tradition of the Senate; the right to exercise the constitutional treaty-making authority of the Senate in an atmosphere unclouded and unaffected by a situation in which 95 or 96 countries have already signed what for them is a treaty, which we are then asked, at the end of the parade, to consider for ratification or rejection.

Mr. President, I yield back the remainder of my time, and I withdraw my amendment.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MUNDT. I am happy to yield to the Senator from Iowa.

Mr. MILLER. I commend the able Senator from South Dakota for presenting the amendment to the Senate and calling attention again to the almost unfair situation in which the Senate has been placed.

I believe it is wrong for any proponent of the treaty to use as a basis for arguing in support of the treaty the fact that 96 other nations already have joined on it. The logical result of such an argument is that in the future we might be presented with a treaty contrary to the national interest, and merely, because 96 other nations had signed the treaty, to save the United States some embarrassment or to save the President of the United States some embarrassment, it would be argued that the Senate should ratify a bad treaty. That does not make sense. I hope that in the future our negotiators will see to it that we are not again placed in such a situation.

I feel almost equally strong about another unfair situation in which the Joint Chiefs of Staff were placed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MILLER. Will the Senator from Alabama yield me a couple of minutes?

Mr. SPARKMAN. Mr. President, I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. I thank the Senator from Alabama.

The Joint Chiefs of Staff were directed to consider not only military angles to the treaty, but also politics. At least one member of the Joint Chiefs of Staff testified that had it not been for all the other nations ratifying the treaty he would have opposed it. That tipped the scales for at least one member of the Joint Chiefs of Staff. I do not know whether it tipped the scales for the others, but it did for at least one.

It is wrong to put the Joint Chiefs of Staff into that position. I hope that in the future our negotiators will see to it that the Senate is not again placed in such a situation, and that the Joint Chiefs of Staff are never again placed in such a situation.

I believe the treaty is above and beyond the arena of partisan politics. I recognize that it would be quite embarrassing for the President of the United States

to have the Senate fail to ratify the treaty. I do not wish to see any President of the United States embarrassed in the eyes of the world.

But I point out that the President is in this position due partially at least to his own course of action, by reason of the failure of our negotiator in Moscow to see to it that the treaty had in it the safeguards the Senator from South Dakota seeks to have in treaties of the future.

The able Senator from South Dakota has presented the case well; and I hope that in the future our negotiators in the executive branch of the Government will take heed of the arguments, because I do not wish to see the Senate placed in the position of having to vote with consideration being given to the fact that 99 nations have already signed the treaty.

Mr. MUNDT. Mr. President, I express my appreciation to the Senator for his thoughtful and helpful remarks. I point out that we are now in a situation such as the one discussed at one time by Grover Cleveland, who said, "It is a condition that confronts us—not a theory."

We are in this case confronted with a condition prevailing.

I do not wish to be unduly harsh in my criticism of the administration for having put us in this position and for having been so thoughtless and inconsiderate of the Senate's treaty-making function, because we are entering into a new era of treaty-making. This point has not been pressed, and it was not raised before in time to have it considered as part of the preliminary procedures leading to this treaty.

In this business fair notice is fair warning. We should not be brought into this situation a second time under similar conditions and have the plea that "now it is too late to make a change or to make an alteration" still be persuasive. I give notice now in my capacity as a Senator that there are U.S. Senators who resent this kind of treatment from the executive in what should be a partnership procedure, involving the treaty-making power of the U.S. Senate. I shall pursue this further in the days to come.

The PRESIDING OFFICER. The time of the Senator has expired.

The resolution of ratification is open to reservation.

Mr. SPARKMAN. Mr. President, do I correctly understand that the Senator from South Dakota has withdrawn his amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPARKMAN. Mr. President, I am glad the Senator has withdrawn the amendment. His discussion has been good and helpful. There is merit in the proposal the Senator has advanced. I do not believe such an amendment should be attached to the pending treaty. I realize that the Senator was not trying to affect the treaty, but instead, treaties of the future.

Of course, all treaties do not require certain specified countries to sign before becoming effective.

Mr. MUNDT. As I have said, this is an unusual treaty.

Mr. SPARKMAN. It is unusual.

Mr. MUNDT. There are likely to be others with a similar arrangement of select nations reaching an agreement they desire to be made available to all nations.

Mr. SPARKMAN. The Senator may be correct.

Mr. MUNDT. History has provided that three or four nations now have something called nuclear power which other nations do not have. They have a responsibility.

Mr. SPARKMAN. I wished to make certain that the Record was not left in such a way as to indicate that this was a usual course rather than an exceptional course.

Mr. MUNDT. I am glad the Senator has pointed that out. I believe I said that in my discussion. It is certainly true.

I am thinking ahead. What is unusual now is likely to be established by precedent as a pattern for the future unless we move to correct and safeguard the procedures.

Mr. SPARKMAN. It could be, of course.

Mr. MUNDT. I would resent having that kind of pattern dealing with a unique situation established. Because of the scientific developments of certain powers, which have control of the death-dealing annihilating nuclear weapons, such powers are likely to meet again and discuss things in an endeavor to reach an agreement. I hope that can be done. Barring that, we shall be in serious trouble, if we must face up to a nuclear war.

The originators and participants of future international agreements who have the responsibility, should be granted all the constitutional procedures which should be concluded before a treaty is placed in effect and opened to the ratification and signature of other nations. Then we can go constructively to the other nations of the world and say, "This is now a completed treaty. We hope all other countries will go along."

Mr. SPARKMAN. The Senator has set forth his proposal. We may discuss it with the State Department, the Secretary of State, and other officials. It could result in the laying down of some guidelines for future negotiations.

Mr. MUNDT. I thank the Senator. I hope so. Knowing the Senator from Alabama as I do, I am sure he shares with me desire to retain for the Senate—and it will be a retention on behalf of the people of the United States—full control of the treaty-making responsibility which is ours.

Mr. SPARKMAN. I believe in that policy.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The resolution of ratification is open to reservation.

Mr. MILLER. Mr. President, I call up my reservation, Executive Reservation No. 9, and ask that it be read.

The PRESIDING OFFICER. The reservation offered by the Senator from Iowa will be read.

The legislative clerk read as follows: Before the period at the end of the resolution of ratification insert a comma and

1963

CONGRESSIONAL RECORD — SENATE

16817

the following: "subject to the reservation, which is hereby made a part and condition of the resolution of ratification, that the instrument of ratification of the treaty by the United States shall not be deposited as provided by paragraph 3 of article III thereof until the Union of Soviet Socialist Republics has paid all of its delinquent assessments to the United Nations".

Mr. MILLER. I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. MILLER. Let me say at the outset that I shall not ask for the yeas and nays on this reservation, but I offer it because I think it ought to be discussed. A few points ought to be made that have a bearing on the way the treaty is viewed so far as the free world is concerned.

The Soviet Union, unfortunately, is not a good member of the United Nations. It is a "deadbeat" member of the United Nations. It is a "deadbeat" member of the United Nations because of cold, calculating intentions to bankrupt the United Nations.

The Union of Soviet Socialist Republics, as of August 31 of this year, is paid up on its dues to the United Nations Regular Budget. But it is in arrears a total of \$46,271,050 for United Nations peace keeping operations, which includes: emergency force special account, \$14,218,288. This amount includes various items, starting from the first of January to June 30, 1962, and going clear back to the year 1957.

The emergency force special account relates primarily to maintenance of United Nations forces in the so-called Gaza strip in the Middle East.

The Soviet Union is in arrears in the Congo operations account in the amount of \$32,052,762. This amount includes some \$11 million for the period November 1, 1961, to June 30, 1962; some \$13 million for the previous year; and approximately \$6½ million for the year before that.

The total arrearage of members of the United Nations as of August 31 of this year came to \$104,798,433. This includes \$5.6 million for the regular budget. The other delinquent accounts are in the amount of \$27.2 million for the emergency force in the Middle East and \$71.9 million for the Congo operations account.

If the Union of Soviet Socialist Republics paid its emergency force arrearages, this debt would be cut by more than half, to \$13,050,000. If the Union of Soviet Socialist Republics paid its Congo account arrearages, the debt could be cut almost in half, to \$39.8 million.

Although the Soviet Union has paid its regular budget assessments in full—that is, her regular dues—she has indicated that in the future she will not pay any part of the cost of retiring the United Nations bond issue, which totals \$145 million, and a number of other expenditures listed in the budget.

The idea is that it will withhold its allocable portion of the annual dues representing the portion that would otherwise go to pay for the United Nations bond issue. If this threat is carried out, it will not only add to the United Nations deficit, but will establish a prece-

dent which could lead to more headaches in the years to come.

From the United Nations "Annual Report of the Secretary General on the Work of the Organization," for the period June 16, 1962, to June 15, 1963, I cite the following points which I think ought to be made:

First. At its 17th regular session the General Assembly had adopted resolution 1854 (XVII) in which it (a) accepted the advisory opinion delivered by the International Court of Justice on July 20, 1962, to the effect that the expenditures authorized, in certain Assembly resolutions for peacekeeping operations constituted "expenses of the organization" within the meaning of article 17, paragraph 2, of the charter; and (b) established a working group of 21 members to study special methods for financing peacekeeping operations involving heavy expenditures, including a possible special scale of assessments.

Second. Certain delegations, including that of the U.S.S.R., maintained that, while it was true that the operations in the Congo had originally been authorized by the Council, they had subsequently been conducted in a manner contrary to the intention of its members.

Third. Most of the other delegations participating in the general debate accepted that the expenditures authorized by the General Assembly for UNEF and ONUC—Congo—were expenses of the organization within the meaning of article 17, paragraph 2, of the charter. Accordingly, the costs of the latter operations, and of United Nations peacekeeping activities in general, were the collective responsibility of all member states, to be apportioned among them by the General Assembly in the same manner, although not necessarily by the same scale, as the expenses provided for under the regular budget.

The delegations holding these views based their position on one or more of the following premises:

First. The principle embodied in article 17, paragraph 2, of the charter that all member states have a collective responsibility to bear the expenses of the Organization.

Second. The advisory opinion of the International Court of Justice of July 20, 1962, accepted by the General Assembly in its resolution 1854 A (XVII) of December 19, 1962, that the expenses authorized by the General Assembly for UNEF and ONUC constitute expenses of the Organization within the meaning of article 17, paragraph 2, of the charter.

Third. The competence of the General Assembly, under the charter, to initiate peacekeeping operations and to authorize and apportion expenses for such operations, including those initiated by the Security Council.

Delegations supporting the principle of collective responsibility stressed that the maintenance of peace and security was the principal activity of the United Nations under the charter. All member states were therefore under an obligation to share in the costs of peacekeeping operations in the same manner, although not in all cases in the same proportion as they contributed to other expenses of the Organization. Disagreement with some aspects of the adoption or implementation of decisions relating to peacekeeping operations was not sufficient to relieve members of this respon-

sibility. Any other interpretation would be to the serious detriment of the effectiveness and solvency of the United Nations.

One reason why I shall not press this reservation is that there is a remedy in the United Nations to take care of "deadbeat" nations, and that remedy is to deprive the delinquent country of its right to vote.

I am not so sure whether the United Nations would be able to deprive it of its right to speak, and I presume Mr. Khrushchev could still come into the United Nations and thump the table with his shoe; but so far as the right to vote is concerned, the Charter of the United Nations provides only that a nation that is 2 years behind in its combined obligations, dues and special assessments, shall lose its right to vote.

This will require the adoption of a special resolution by the General Assembly of the United Nations. The World Court has already ruled on the point. It has ruled contrary to the Soviet Union's position. The United Nations has already adopted a resolution affirming the ruling of the World Court. The Soviet Union, as I understand, within another year, will probably become far enough behind in its total obligations to be in the position of losing its right to vote. At that time all that would be required would be to have the General Assembly adopt a resolution depriving the Soviet Union of its right to vote.

There is that remedy.

It is unfortunate that the United Nations should be put in the position of having, in effect, to deny the right to vote to any of its members. It is most unfortunate that our negotiators on the treaty did not make any points about the Soviet Union getting "right" with the United Nations.

I read the press accounts from Moscow on the signing of the treaty. I followed the treaty's movements very carefully, at no place did I read a report of any initiative being taken by our negotiators with respect to these other matters.

Mr. Khrushchev was not in the least reluctant to point out, for the world to see and for the United States in particular to note, that he expected—I use that word advisedly—that the followup on the treaty would be negotiating, between the NATO countries and the Warsaw Pact countries and agreement of nonaggression.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MILLER. I yield myself 4 additional minutes.

What did our negotiators have to say in Moscow? What did our representatives have to say anywhere on that subject. Mr. Rusk, our Secretary of State, said that we might talk about it, but that we would naturally have to talk about this subject with our allies before we could make any commitments.

I have no quarrel with that reply. The only trouble is that no one said anything about what we wanted to have done. When it came to getting the Soviet troops out of Cuba, as Mr. Khrushchev had promised the President of the United States, when it came to onsite inspections in Cuba, as Mr. Khrushchev had

16818

CONGRESSIONAL RECORD — SENATE

September 23

promised would take place under United Nations auspices, when it came time for the Soviet Union to pay up its obligations in the United Nations, as it should, our representatives stood silent. I do not know why. Perhaps they did not wish to make Mr. Khrushchev angry with us. Perhaps they were afraid it might change his smile to a frown.

This is not the kind of negotiation that is becoming to a great nation, particularly the leader of the free world. Therefore, I believe it well for the Soviet Union and the other countries to note that if the executive branch of our Government does not see fit to take a little initiative along these lines, at least some members of the legislative branch will speak up about it. I hope this message gets across to some of our negotiators on future treaties.

The PRESIDING OFFICER. The Senator from Iowa has 14 minutes remaining.

Mr. TOWER. Mr. President, will the Senator yield me 5 minutes?

Mr. MILLER. I am happy to yield 5 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I thank my distinguished friend from Iowa for offering his reservation and for arguing so ably and incisively for compulsion of some sort on the Soviet Union to pay its obligation.

I should like to point out a few facts. This is a very pertinent reservation because the treaty itself uses the words "in accordance with the objectives of the United Nations." For 18 years the Soviet Union has done its best to sabotage the United Nations by several means. It has done so through 101 Security Council vetoes, by refusing to pay its assessments for peacekeeping operations, for proposing the infamous troika plan for three Secretaries General, and by using the United Nations as a propaganda forum.

The Soviet Union is in arrears to the United Nations. As of July 31, 1963, they owe the United Nations for the maintenance of the Emergency Force, the sum of \$15,638,166; for the United Nations operations in the Congo, the Soviet Union owes \$36,984,971. That makes a total of outstanding obligations on the part of the Soviet Union to the United Nations of \$52,623,137.

I should like to point out a few facts about U.N. finances. The United Nations now is approximately \$140 million in debt. The United States pays 46.8 percent of the U.N. costs, and has one vote. The Soviet Union pays 3.6 percent of the U.N. costs, and has one vote. The Communist bloc nations pay less than 5 percent of the cost of U.N. operations, and have 11 votes.

Mr. MILLER. Mr. President, when the Senator says that the Soviet Union "pays," does he mean that they have actually paid, or that they are supposed to pay?

Mr. TOWER. I thank my friend from Iowa. The use of the word "pays" is inadvisable in this case. That is their obligation. They have not met that obligation, as the Senator well knows.

In 1962, the United Nations spent \$213.6 million. It took in \$109.3 mil-

lion. The bond issue of 1962 brought in \$136 million, which has already been used up.

It should be noted, too, that the Russians pay the United Nations only in Russian rubles, which can be spent only for Russian equipment and for the paying of Russian personnel.

Last year, after the Cuban missile crisis, in a letter to Secretary General U Thant, Mr. Khrushchev said that he "passionately wished the United Nations to develop as an instrument of strengthening peace and of organizing cooperation between states."

It would be altogether reasonable for us to provide Mr. Khrushchev a means for venting the passion which he has expressed by adopting the reservation proposed by the Senator from Iowa.

I point out again that the treaty which Mr. Khrushchev has signed contains the clause, "in accordance with the objectives of the United Nations."

If the Russians are serious about furthering the objectives of the United Nations, let us give them an opportunity to live up to their obligations to the United Nations.

I yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I understood the Senator from Iowa to say that he would not insist on a ye-a-and-nay vote on his reservation. Will the Senator insist on a vote on it, or is he merely making his point and then withdrawing his reservation?

Mr. MILLER. I stated that I did not wish to proceed with a ye-a-and-nay vote on the reservation, but felt it was desirable to bring it up, just as the Senator from South Dakota [Mr. MUNDT], who preceded me, had done with his reservation, for the purpose of giving me an opportunity to say something on this point. I would appreciate a response from the Senator from Alabama.

Mr. SPARKMAN. I expect to respond.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. TOWER. I have submitted a reservation similar to that offered by the Senator from Iowa. He did not intend to press his to a vote. I intend to call mine up, but I do not plan to debate it, because Senators are debating the merits of it in the debate on the reservation offered by the Senator from Iowa. Therefore, I will not debate my reservation when it is called up, but I will ask for a ye-a-and-nay vote on it.

Mr. SPARKMAN. I suppose it becomes almost trite to use this expression; but I am in sympathy with the objective of the Senator from Iowa. As the Senator from Iowa and the Senator from Texas have said, we all know that Russia is indebted to the United Nations. I well recall that that situation was debated at length last year, when the Senate was considering the United Nations bond measure. Russia has stubbornly refused to pay those peacekeeping obligations. I continue to hope that she will pay, although the likelihood is not good now.

We must remember that our representatives were negotiating in a narrow

field. When the Senator from Iowa says that the subject is in keeping with the United Nations, I call his attention to the following statement in the preamble of the treaty:

Proclaiming as their principle aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons.

That is the only reference to the United Nations. I hold that our representatives were negotiating in a rather limited field. Naturally, they were interested, as we all are, in the financial welfare of the United Nations. We could think of scores of things that might very well have been placed on the table, as to which we might have said to Russia, "We want consideration of all these items." But I think it was agreed by all concerned that the negotiation in this instance would be confined to a limited field.

While it is true that Mr. Khrushchev said that he would have liked to have a nonaggression pact between NATO countries and Warsaw Pact countries, we refused to discuss that proposal at all. In effect, we held that it was improper to bring other matters into the discussion. We said—and Secretary Rusk has said so on many occasions—that we hoped that after the treaty had become effective, we might meet and negotiate on other questions. I should be pleased to see proposed any plan that would effectively collect Russia's debt to the United Nations; but I do not believe it ought to be a part of this treaty. This treaty was limited to a narrow field. I do not believe that the Senator's reservation ought to be attached to this treaty.

Mr. MILLER. Mr. President, I know that the Senator from Alabama is among those who sincerely desire to have the United Nations function and that all members of the United Nations pay their just dues and assessments, so that the organization will be able to function in a viable manner.

Perhaps where the Senator from Iowa and the Senator from Alabama part company, regrettably, is in our methods of achieving this objective. I believe we should do more than merely express a hope that Russia will fulfill her financial obligations to the United Nations. We should do more than talk about some of these problems. Granted that our representatives were in Moscow to negotiate a treaty, and granted many things we would like to have done, but which were not even raised as a relevant part of the negotiating process; nevertheless, when Mr. Khrushchev, at the conclusion of the negotiations, and more particularly at the signing of the treaty in Moscow, talked about the next step, which he expects will be an East-West nonaggression pact, it seems to me that the least our representatives could have done would have been to say, "We will be glad to talk about that, but, incidentally, we think the next steps ought to be thus and so." Specifically, our representatives might

-1963

CONGRESSIONAL RECORD — SENATE

16819

have mentioned some of the things on which Mr. Khrushchev has reneged; for example, on-site inspection in Cuba; the removal of troops from Cuba; and, to sweeten the "kitty" a little, that Russia might "get right" with the United Nations, if it really desires the United Nations to succeed.

The main objection I have to the conduct of our negotiators in Moscow is their failure to take the initiative, as Mr. Khrushchev was quite ready and willing and able to do with respect to what he desired to have follow the ratification of the treaty.

Mr. TOWER. Mr. President, will the Senator from Iowa yield 2 minutes to me?

Mr. MILLER. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. The question of the disarmament pact and the subject of United Nations financial obligations in connection with the treaty are not analogous situations. The disarmament pact is a new idea.

I suggest that the financial obligations of the Soviet Union to the United Nations are not negotiable; they are a sacred commitment. We are acceding to them under the treaty. We are recognizing mutual commitments. If we are to accept their word that they will live up to their commitments under the treaty, I do not see why we should not first insist that they show their sincerity by living up to the commitments they have already made but have consistently refused to honor.

Mr. MILLER. Mr. President, I yield back the remainder of my time. I withdraw my reservation.

The PRESIDING OFFICER. The reservation of the Senator from Iowa is withdrawn. The resolution of ratification is open to reservation.

Mr. TOWER. Mr. President, I call up my reservation No. 11, and ask that it be read.

The PRESIDING OFFICER. The reservation will be stated.

TOWER RESERVATION RE U.S.S.R. PAYMENTS DUE UNITED NATIONS

The legislative clerk read as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation, which is hereby made a part and condition of the resolution of ratification, that the instrument of ratification of the treaty by the United States shall not be deposited as provided by paragraph 3 of article III thereof until the President shall have determined and certified to the Senate that all assessments for the financing of peace and security operations of the United Nations, heretofore made by the United Nations upon the Union of Soviet Socialist Republics, have been fully paid".

Mr. TOWER. Mr. President, I intend to ask for the yeas and nays on the reservation; therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

No. 151—10

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Without objection, it is so ordered.

Mr. TOWER. Mr. President, on the question of agreeing to my reservation, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, since my amendment is the same, in substance, as that of the Senator from Iowa, and since this question has already been debated, I am prepared to yield back the remainder of my time, so that the Senate may proceed to vote, provided the Senator from Arkansas is prepared to do likewise.

Mr. FULBRIGHT. The Senator from Vermont [Mr. AIKEN] would like 2 minutes. Does the Senator from Texas have any objection?

Mr. TOWER. I have no objection.

Mr. FULBRIGHT. Then I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. AIKEN. Mr. President, I do not see the advantage of having the United States set itself up as an agency to collect dues for the United Nations, or for any other purpose. The United Nations has its own rules and regulations regarding overdue assessments; and if Russia should get behind in its total dues in an amount equal to the total assessments for the last 2 years, she would automatically lose her vote in the General Assembly—although she would not lose her place on the Security Council or her membership in the United Nations.

Further than that, let me say that probably 80 out of the 110 members of the United Nations have, by this time, paid their dues. For a long time the number of those in arrears was much greater; but I would guess that now from 75 to 80 have paid their dues in full; and all of them have endorsed the test ban treaty.

By adopting a reservation of this kind, we would be saying to them that they could not have such a treaty until Russia had paid its dues to the United Nations. I believe that the nations which have paid their dues to the United Nations and also have approved the test ban treaty would not appreciate our effort, should we adopt this reservation.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time is yielded back.

The question is on agreeing to the reservation of the Senator from Texas [Mr. TOWER]. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN (when his name was called). On this vote I have a pair with the Senator from Louisiana [Mr. LONG]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. LONG], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PASTORE], the Senator from California [Mr. ENGLE], and the Senator from Louisiana [Mr. ELLENDER] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent and, if present and voting, would vote "nay."

The result was announced—11 yeas, 82 nays, as follows:

[No. 163 Ex.]

YEAS—11

Bennett	Goldwater	Simpson
Byrd, Va.	Jordan, Idaho	Thurmond
Curtis	Mechem	Tower
Dominick	Russell	

NAYS—82

Aiken	Hartke	Morton
Allott	Hayden	Moss
Anderson	Hickenlooper	Mundt
Bartlett	Hill	Muskie
Bayh	Holland	Nelson
Beall	Humphrey	Neuberger
Bible	Inouye	Pearson
Boggs	Jackson	Pell
Brewster	Javits	Prouty
Burdick	Johnston	Proxmire
Byrd, W. Va.	Jordan, N.C.	Randolph
Cannon	Keating	Ribicoff
Carlson	Kennedy	Robertson
Case	Kuchel	Saltonstall
Church	Lausche	Scott
Clark	Long, Mo.	Smathers
Cooper	Magnuson	Smith
Cotton	Mansfield	Stennis
Dirksen	McCarthy	Symington
Dodd	McClellan	Talmadge
Douglas	McGee	Walters
Eastland	McGovern	Williams, N.J.
Edmondson	McIntyre	Williams, Del.
Ervin	McNamara	Yarborough
Fong	Metcalf	Young, N. Dak.
Fulbright	Miller	Young, Ohio
Gruening	Monroney	
Hart	Morse	

NOT VOTING—7

Ellender	Hruska	Sparkman
Engle	Long, La.	
Gore	Pastore	

So Mr. Tower's reservation was rejected.

The PRESIDING OFFICER. The resolution of ratification is open to reservation.

Mr. TOWER. Mr. President, I call up my reservation No. 12 and ask that it be stated.

The PRESIDING OFFICER. The reservation will be stated for the information of the Senate.

TOWER RESERVATION RE ON-SITE INSPECTIONS TO DETECT ANY VIOLATIONS

The LEGISLATIVE CLERK. Before the period at the end of the resolution of ratification it is proposed to insert a comma and the following:

subject to the reservation, which is hereby made a part and condition of the resolution of ratification, that the instrument of ratification of the treaty by the United States shall not be deposited as provided by paragraph 3 of article III thereof until such treaty has been revised by the original

16820

CONGRESSIONAL RECORD — SENATE

September 25

parties so as to provide for a system of on-site inspections adequate to detect any violation thereof, and advice and consent to the ratification of the treaty as so revised has been given by the Senate.

Mr. TOWER. Mr. President, I ask for the yeas and nays on the reservation. The yeas and nays were ordered.

The PRESIDING OFFICER. How much time does the Senator from Texas yield?

Mr. TOWER. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mr. TOWER. Mr. President, the reservation which I have offered would make the effectiveness of the treaty conditional on a system of on-site inspections adequate to detect any violation. I believe this is eminently reasonable.

All we are seeking to do is to reach some effective means of insuring that the Soviet Union will act in good faith. The Soviet Union has a long record of having failed to act in good faith.

The hypocrisy of the Soviets is apparent when they sign a treaty subscribing to the objectives of the United Nations and then will not even pay their financial commitments to the United Nations. If they are big enough hypocrites to sign a treaty containing that language, when day after day they are refusing to support the objectives of the United Nations, I do not see how we can trust them to accede in good faith to the provisions and conditions set forth in this treaty—unless some means of making sure they are doing so are provided.

There never has been any scientific claim, even during the Geneva negotiations, that atmospheric explosions of less than 1 kiloton can be effectively detected without on-site inspections. Nuclear weapons, because of the use of fusion devices, are becoming cleaner and cleaner, giving off less and less radioactivity.

We might as well admit to ourselves that the Russians are going to cheat if they can.

The chairman of the Joint Chiefs of Staff said to the Senate:

We can anticipate clandestine testing on the part of the Soviets.

That is what the chairman of the Joint Chiefs of Staff said.

I believe that testing of nuclear weapons in distant space—in violation of the treaty—is feasible, when one reasons that tests of up to 500 kilotons could very possibly be hidden, perhaps behind a satellite-imposed lead shield that would absorb the telltale rays.

Mr. President, time after time prominent, important, able men in this country, who have been intimately involved in the business of negotiating with the Soviets and intimately involved in the whole question of armaments and testing, have said that we should have some system of inspection. I should like to go through a few of these statements in chronological order.

U.S. PRINCIPLE OF REQUIRING ADEQUATE INSPECTION—BRIEF HISTORY

In 1946, Bernard Baruch said, in respect to a proposed international control of atomic energy:

Adequate ingress and egress for all qualified representatives of the Authority must be assured.

In 1950, President Truman said, in an address to the United Nations General Assembly:

The plan must be foolproof. Paper promises are not enough. Disarmament must be based on safeguards which will insure the compliance of all nations. The safeguards must be adequate to give immediate warning of any threatened violation. Disarmament must be policed continuously and thoroughly. It must be founded upon free and open interchange of information across national borders.

In 1956, Mr. Harold Stassen, then the special assistant to the President for disarmament, said:

History shows that any time you make an agreement that you cannot inspect, the agreement itself becomes a source of doubts and rumors, suspicions, charges, countercharges, and actually increases the dangers of war, instead of improving the prospect of peace.

In 1957, Mr. Henry Cabot Lodge, who was at the time our Ambassador to the United Nations, stated:

Deeply as we are convinced of the desirability of a reliable agreement and of the dangers in the absence of agreement, we have nonetheless concluded that a bad agreement is worse for the cause of peace than no agreement. An uninspected agreement or an inadequately controlled agreement, or a one-sided agreement would be a bad agreement. It would not serve the objective of peace.

President Eisenhower stated, in 1955:

No sound and reliable agreement can be made unless it is completely covered by an inspection and reporting system adequate to support every portion of the agreement.

The lessons of history teach us that disarmament agreements without adequate reciprocal inspection increase the dangers of war and do not brighten the prospects of peace.

President Kennedy, in 1961, in an address to the General Assembly of the United Nations, described the United States Disarmament proposal as one which "would assure that indispensable condition of disarmament—true inspection—and apply it in stages proportionate to the stage of disarmament."

Then in 1962, in February, at a press conference, the President was questioned as follows:

Mr. President, would the United States be willing, without further nuclear tests in the atmosphere, to sign a formal agreement with the Soviet Union banning such tests?

Here, verbatim, is the answer the President gave to that question:

Well, I have stated that our concern would be—I stated before, since and as I said afterwards, that we would sign an agreement which provided for adequate inspection system, that is correct * * * but adequate inspection in regard to preparations as well as testing.

Further, in the same press conference, the President of the United States, Mr. Kennedy, said:

Unless we have adequate protection against a repetition of that incident—

And he referred to the Soviet Union's secret preparations for testing—any such test agreement obviously would be extremely vulnerable.

I think the whole weight of history, the whole weight of opinion from those most intimately connected with this problem, would indicate that this reservation should be adopted.

Mr. FULBRIGHT. Mr. President, I make the point of order that this reservation is not in order. It is an essence an amendment to the treaty itself, and should have been made, if at all, while the Senate was acting as a Committee of the Whole. In addition, under the unanimous-consent agreement, I submit it is not germane and was not printed on September 18, when the order was entered. Therefore, on two grounds, it is not in order.

The PRESIDING OFFICER. The point of order is sustained. The reservation was not offered before the agreement was entered into, and there is nothing in the treaty referring to on-site inspection.

Mr. KUCHEL. Mr. President, since earlier in the debate, my able friend the Senator from Texas told me he did not intend to pursue the matter at great length. I wonder if the Senator from Arkansas would withdraw the point of order so the Senate could proceed directly to a rollcall and dispose of it in that way?

Mr. HOLLAND. Mr. President, I hope the Senator from Arkansas will withdraw his point of order for various reasons. I would dislike for anyone outside this Chamber to think that any Senator is not ready, willing, and able to vote on every proposal in this field.

Mr. FULBRIGHT. I withdraw the point of order. I yield back my time on it.

The PRESIDING OFFICER. Does the Senator from Texas yield back his time?

Mr. TOWER. I do.

The PRESIDING OFFICER. The question is on agreeing to the reservation of the Senator from Texas. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE (when his name was called). On this vote I have a pair with the Senator from Louisiana [Mr. LONG]. If he were present and voting he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Louisiana [Mr. LONG], the Senator from Rhode Island [Mr. PASTORE], are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

On this vote, the Senator from Arizona [Mr. HAYDEN] is paired with the Senator from Nebraska [Mr. Hruska]. If present and voting, the Senator from Arizona would vote "nay" and the Senator from Nebraska would vote "yea."

I further announce that, if present and voting, the Senator from Tennessee

1963

CONGRESSIONAL RECORD — SENATE

16821

[Mr. GORE], the Senator from Rhode Island [Mr. PASTORE], the Senator from California [Mr. ENGLE], and the Senator from Louisiana [Mr. ELLENDER] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent.

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Arizona [Mr. HAYDEN]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 16, nays 76, as follows:

[No. 164 Ex.]		
YEAS—16		
Bennett	Mecham	Talmadge
Byrd, Va.	Mundt	Thurmond
Curtis	Robertson	Tower
Goldwater	Russell	Williams, Del.
Jordan, Idaho	Simpson	
McClellan	Stennis	
NAYS—76		
Alken	Fulbright	Monrohey
Allott	Gruening	Morse
Anderson	Hart	Morton
Bartlett	Hartke	Moss
Bayh	Hickenlooper	Muskie
Beall	Hill	Nelson
Bible	Holland	Neuberger
Boggs	Humphrey	Pearson
Brewster	Jackson	Pell
Burdick	Javits	Proxmire
Byrd, W. Va.	Johnston	Randolph
Cannon	Jordan, N.C.	Ribicoff
Carlson	Keating	Saltonstall
Case	Kennedy	Scott
Church	Kuchel	Smathers
Clark	Lausche	Smith
Cooper	Long, Mo.	Sparkman
Cotton	Magnuson	Symington
Dirksen	Mansfield	Walters
Dodd	McCarthy	Williams, N.J.
Dominick	McGee	Yarborough
Douglas	McGovern	Young, N. Dak.
Eastland	McIntyre	Young, Ohio
Edmondson	McNamara	
Ervin	Metcalf	
Fong	Miller	
NOT VOTING—8		
Ellender	Hayden	Long, La.
Engle	Hruska	Pastore
Gore	Inouye	

So Mr. Tower's reservation was rejected.

Mr. FULBRIGHT. Mr. President, I move that the Senate reconsider the vote by which the reservation was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The resolution of ratification is open to reservation.

Mr. TOWER. Mr. President, at the request of the distinguished junior Senator from Louisiana [Mr. LONG], who was unavoidably detained in his home State today, I call up his reservation No. 8 and ask that it be stated.

The PRESIDING OFFICER. The reservation will be stated.

LONG RESERVATION ON USE OF NUCLEAR WEAPONS IN ARMED CONFLICT

The legislative clerk read as follows:

Before the period at the end of the resolution of ratification insert a comma and the following: "subject to the reservation that the treaty does not inhibit the use of nuclear weapons in armed conflict".

The PRESIDING OFFICER. How much time does the Senator from Texas yield himself?

Mr. TOWER. Mr. President, I yield myself 5 minutes.

In the excellent statement which the distinguished Senator from Louisiana intended to deliver to the Senate today in advocacy of his reservation, he ends with the following statement:

Any question of whether the United States can explode a nuclear weapon in the defense of an ally or in its own defense in time of war may well come before the existing international tribunal, the International Court of Justice. That Court need only look to the wording of this treaty which forbids "any other nuclear explosion" to rule that the United States is prevented by the treaty from protecting itself or any of its friends with nuclear weapons. No committee reports, department reports, nor Senate speeches would be of any bearing on the Court's decision.

That is why I feel it absolutely necessary to have attached to the resolution of ratification the reservation I have introduced. This reservation states what the treaty should have stated. It adds to the resolution of ratification 18 words: "subject to the reservation that the treaty does not inhibit the use of nuclear weapons in armed conflict."

Mr. President, I ask unanimous consent to have the statement of the Senator from Louisiana [Mr. LONG] printed in its entirety at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR LONG OF LOUISIANA IN SUPPORT OF HIS RESERVATION TO THE TEST BAN TREATY CONCERNING THE USE OF NUCLEAR WEAPONS IN ARMED CONFLICT

The treaty before us today prevents the United States from using nuclear weapons to defend itself or to defend its allies. Nothing in the treaty says that we may use our nuclear weapons in a time of armed conflict. The key words, in article I, say just the opposite, that we are prevented from using nuclear devices for repelling aggression. That article reads, "Each of the parties to this treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control." Again, in that same article, "Each of the parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion."

"Any other nuclear explosion" means any other nuclear explosion. Peacetime, wartime, any time, you cannot explode nuclear material other than underground.

The wording of the treaty in this regard has brought forth the call for a reservation from a number of reasonable, informed people.

Dr. Teller said: "I would like to see that it is clearly understood by everybody, including our people, our allies, and other countries, that we are going to use promptly or that we may use promptly and without any delay, the right instruments, including nuclear explosives, in the defense of a country against aggression."

Adm. Lewis Strauss suggested: "A reservation stating that it will not be construed by the United States as preventing employment of whatever weapons we deem appropriate should any of our allies or any of the free nations be subjected to armed aggression; and further, that in such circumstances, we should not be bound by the '3 months' advance notice' provision of article IV."

President Eisenhower wrote: "The reservation that I suggest would provide that in the event of any armed aggression endanger-

ing a vital interest of the United States this Nation would be the sole judge of the kind and type of weaponry and equipment it would employ as well as the timing of their use."

With men of this caliber on record in support of such a reservation and with the purpose of making sure that all of us here in the Senate, everyone across the country, and, yes, people throughout the world know exactly how the United States interprets this treaty, I have introduced a reservation which should make it crystal clear that nothing in this treaty prevents anyone from using nuclear weapons in any sort of hostility.

This is no small difference of opinion to be compromised easily. It is a matter of whether the United States will be permitted to save itself or its sister states should war come. There can be no room for equivocation when our survival is at stake. The document must speak for itself. I contend it does not. I say we must insert the language by way of reservation that will make this treaty say, "I do not keep you from using your H-bombs and A-bombs when war or other military conflicts beset you."

If we do not, no amount of eloquent expressions on this floor or by any of our officials will be of any use.

It is an undisputed rule of law that, when an act is clear on its face, the courts will not look any further for legislative intent.

This rule was clearly set forth by the U.S. Supreme Court in the case of *Caminetti v. United States*, 242 U.S. 470 (1916). The Court said:

"It is elementary that the meaning of a statute must, in the first instance, be sought in the language in which the act is framed, and if that is plain, and if the law is within the constitutional authority of the lawmaking body which passed it, the sole function of the courts is to enforce it according to its terms."

"Where the language is plain and admits of no more than one meaning the duty of interpretation does not arise and the rules which are to aid doubtful meanings need no discussion."

Again, in *Caminetti*, the Court stated: "Still, the name given to an act by way of designation or description, or the report which accompanies it, cannot change the plain import of its words. If the words are plain, they give meaning to the act, and it is neither the duty nor the privilege of the courts to enter speculative fields in search of a different meaning."

"Reports to Congress accompanying the introduction of proposed laws may aid the courts in reaching the true meaning of the legislature in cases of doubtful interpretation * * *. But, as we have already said, and it has been so often affirmed as to become a recognized rule, when words are free from doubt they must be taken as the final expression of the legislative intent, and are not to be added to or subtracted from by considerations drawn from titles or designating names or reports accompanying their introduction, or from any extraneous source. In other words, the language being plain, and not leading to absurd or wholly impracticable consequences, it is the sole evidence of the ultimate legislative intent."

This is the language of the U.S. Supreme Court in a leading case, but that decision is reinforced by the rulings of almost every jurisdiction in this country. For example, American Jurisprudence cites literally hundreds of such cases to support the principle that where the meaning of a statute can be obtained from the words of the statute, one need not and cannot resort to any other materials.

American Jurisprudence puts it this way: "A statute is not open to construction as a matter of course. It is open to construction only where the language used in the statute requires interpretation, that is, where the statute is ambiguous, or will bear two or

16822

CONGRESSIONAL RECORD — SENATE

September 23

more constructions, or is of such doubtful or obscure meaning, that reasonable minds might be uncertain or disagree as to its meaning. Where the language of a statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory interpretation, and the court has no right to look for or impose another meaning. In the case of such unambiguity, it is the established policy of the courts to regard the statute as meaning what it says, and to avoid giving it any other construction than that which its words demand. The plain and obvious meaning of the language used is not only the safest guide to follow in construing it, but it has been presumed conclusively that the clear and explicit terms of a statute express the legislative intention, so that such plain and obvious provisions must control. A plain and unambiguous statute is to be applied, and not interpreted, since such a statute speaks for itself, and any attempt to make it clearer is a vain labor and tends only to obscurity. In accordance with these rules, frequent references may be found in judicial opinions to the clear, definite, distinct, evident, exact, explicit, express, obvious, plain, positive, simple, unambiguous, unequivocal, or unmistakable language of the statutes under consideration. However, where the language of a statute is ambiguous, and there is doubt as to the meaning intended to be expressed thereby, resort may be had to various rules and sources, hereinafter considered, for determining such meaning."

While this relates to statutes, the same is true for treaties as has been pointed out by the distinguished Senator from North Carolina [Mr. EAVIN]. If the language of the treaty is clear and unambiguous on its face, no background materials can be resorted to for its interpretation. And even where there to be such background materials to be used to interpret the treaty, the materials would have to be the fruits of the efforts of all the parties to the treaty. The meaning of a treaty can never be obtained from one country's interpretation of it. Regardless of what we say, the meaning of this test ban treaty is, that is not how the treaty necessarily will be construed by any international tribunal passing on the treaty.

Any question of whether the United States can explode a nuclear weapon in the defense of an ally or in its own defense in time of war may well come before the existing international tribunal, the International Court of Justice. That Court need only look to the wording of this treaty which forbids "any other nuclear explosion" to rule that the United States is prevented by the treaty from protecting itself or any of its friends with nuclear weapons. No committee reports, department reports, nor Senate speeches would be of any bearing on the Court's decision.

That is why I feel it absolutely necessary to have attached to the resolution of ratification the reservation I have introduced. This reservation states what the treaty should have stated. It adds to the resolution of ratification 18 words: "Subject to the reservation that the treaty does not inhibit the use of nuclear weapons in armed conflict."

Those 18 words may mean the difference between the continuation and the destruction of the United States, as we know it.

I urge the Senate to vote for this reservation.

Mr. TOWER. Mr. President, this is a reasonable reservation. It provides, in effect, that if the United States is involved in a war in defense of ourselves or in the defense of our friends, we may use nuclear power. It further provides that if we went to the defense of any neutral

or uncommitted country, we would still not be denied the use of nuclear weapons.

The omission of such a provision from the treaty is a serious oversight, so far as the wording of the treaty itself is concerned. I do not believe the reservation does violence or damage to the treaty. It is merely a clarification of our understanding of the terms of the treaty. I believe this is the understanding of the President. Therefore, I do not see any reason why the Senate should reject a reservation which would express our understanding that we will not be denied the use of nuclear weaponry if we are involved in a war.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

This question has been discussed at considerable length. The minority leader, especially, discussed it when he referred to his conversation with General Eisenhower. The Senator from Vermont [Mr. ARKEN] has made several statements on this point. We believe the reservation to be utterly unnecessary. If we seriously considered it or adopted it, the implication would be left that perhaps the treaty did deal with a restriction of the use of nuclear weapons in warfare; in other words, that the treaty would be considered a ban-the-bomb treaty, which it is not. Members of the Soviet Government have publicly stated that this is not a ban-the-bomb treaty. The treaty would not inhibit the use by the Soviet Union of nuclear weapons in a war. There is no question about it.

The reservation is unnecessary. If adopted, it would raise the implication I have just stated. The reservation is unsound and injurious. I hope the Senate will not accept it.

I am in entire agreement with the Senator from Texas that the treaty does not inhibit the use of nuclear weapons in warfare. We have no intention of seeking to inhibit such use; but to include such a provision in the treaty would be a source of confusion.

Mr. LAUSCHE. Mr. President, will the Senator from Texas yield 3 minutes to me?

Mr. TOWER. Mr. President, I yield 3 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, in my opinion, the treaty, in the language used, specifically prohibits the explosion of nuclear bombs or weapons either in peace or in war. I call attention to what the treaty provides:

Each of the parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control.

The words are: "any other nuclear explosion."

The words in paragraph 1, article I, specifically state that there shall be no explosions by way of tests or any other nuclear explosion. There are no qualifying or modifying words following the words: "any other nuclear explosion."

I now direct attention to paragraph 2, article I:

Each of the parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test

explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this article.

Thus, in the two paragraphs of article I, nuclear explosions are prohibited. I know that Khrushchev has stated that he does not consider this language to mean that he would not be permitted to use nuclear bombs in case of war. The President of the United States has similarly stated what he contemplates this language to mean.

However, I respectfully submit that the language of the document is clear and specific. Senators who are lawyers know that when words are clear, definite, and specific in the interpretation of a legal document, there cannot be ascribed to the document an "intent" or "purpose" that is in conflict with the words.

It is on that basis that I will support the reservation offered by the Senator from Texas on behalf of the Senator from Louisiana.

Mr. TOWER. I thank the Senator from Ohio for making that point. I dwell on it at length in my remarks the other day. I appreciate his emphasizing this important point.

Mr. President, before I yield to other Senators, I ask for the yeas and nays on the reservation.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. TOWER. I yield 3 minutes to the Senator from Nebraska.

Mr. CURTIS. The negation that the ban on nuclear explosions takes place when a state of war exists is a negation that comes too late. Superior weapons in the hands of the United States are weapons in the hands of a mature, moral force. The availability of those weapons, the ability to use them, and the readiness to use them are forces for peace, to prevent armed conflict. At that point our hands are tied, and we are not assisted by the statement that if war comes, the ban is off. The ban is there, so far as our use of superior weapons as a force for peace, to prevent a state of war, is concerned.

I thank the Senator for yielding to me.

Mr. ALLOTT. Mr. President, will the Senator from Texas yield 3 minutes to me?

Mr. TOWER. I yield 3 minutes to the Senator from Colorado.

Mr. ALLOTT. I have clearly indicated my intent to vote for the treaty. However, this is one reservation for which I shall vote, and I shall try to give my reasons in a clear, concise manner.

The Senator from Ohio has already pointed out that article I refers to nuclear test explosions, and then provides "or any other nuclear explosion, at any place under its jurisdiction or control."

I believe that all the Senators know the purpose of the treaty. We understand that it is intended to ban atmospheric tests and certain underwater tests, but not underground tests. However, the words the President has spoken and written and those that Khrushchev has spoken will quickly be forgotten. All

1963

CONGRESSIONAL RECORD — SENATE

16823

that will remain for the future will be the cold words of the treaty, "or any other nuclear explosion."

I predict that the day will come when, if ever we are forced to use nuclear weapons in time of war or in time of armed conflict, this treaty will be waved in our faces and we will be told we have violated it; because in it we agreed not to carry on "any other nuclear explosions," and this claim will be made without regard to our present understanding or Khrushchey's present understanding of the treaty.

I give the President all credit for trying to forewarn the American people; and my colleagues in the Senate have also given forewarnings, but for the benefit of those who may be lulled into a feeling of security, let me recount one of the developments at the recent meeting, in Belgrade, of the Interparliamentary Union. The present Presiding Officer, Mr. Ribicoff, and I attended that meeting. At that time, which was before the Senate had had an opportunity to approve this treaty, the Polish delegation—acting, I am sure, on behalf of the Russian delegation—submitted a resolution which would have the effect of bringing about the resumption of the cold war, to the maximum extent to which that war, in all its aspects, have ever existed. And would also have the effect of weaving into the ratification of this treaty, specific terms requiring worldwide disarmament; the establishment of denuclearized zones, particularly in the NATO countries; and the banning of the use of nuclear weapons in any part of the world where such weapons did not exist. But if that were done, and if the use of nuclear weapons was thereby outlawed, how would it be possible for us—or, for that matter, for our friend, Canada, which at present does not possess nuclear weapons—to prevent the hordes of Red Chinese from pouring into India, Burma, or Thailand?

I am happy to be able to state that at Belgrade, we were rather successful in defeating most of the parts of that resolution. But, Mr. President, even before the ink on the treaty was dry, the delegations from behind the Iron Curtain—the Poles, the Slavs, and the Russians—attempted to read into it provisions which clearly are not in it, and which both the President and Khrushchev say are not in it. I can have no faith in the Russians and their friends or in anything they do or will do after seeing this.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. TOWER. Mr. President, I yield 2 more minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 more minutes.

Mr. ALLOTT. So, Mr. President, I am sure that if this reservation is not adopted, the time will come when the words "or any other nuclear explosion" will be used as the basis of a charge that by this provision of the treaty we agreed never to use a nuclear weapon in our own defense or in the defense of our allies.

Therefore, I join in supporting this reservation; and I urge all other Senators to do the same.

Mr. HOLLAND. Will the Senator from Texas yield?

Mr. TOWER. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator. Mr. President, I believe all of us have the same objective. The Senator from Arkansas said he understands that our use of nuclear weapons in time of war is by no means banned. I have carefully examined the treaty and the proposed reservation; and it seems to me that we would agree to the reservation if the word "reservation," as stated in the proposal of the distinguished Senator from Texas, were changed to the word "understanding."

Mr. TOWER. Then it would read: "subject to the understanding that the treaty does not inhibit the use of nuclear weapons in armed conflict."

Mr. HOLLAND. I believe that before that change in the amendment can be made by the Senator from Texas, he must obtain unanimous consent. If he could not get unanimous consent, I would propose to propose that change as an amendment, because if we all understand at this time that that is the case, I believe there is no reason why we should be mealy mouthed about saying so. Therefore, let us make that change and thus end for all time any question that when the Senate approves the treaty—and I propose to vote for its approval—the Senate clearly understands that when war comes the United States will have the entire right to use any nuclear weapons in its arsenal at that time, either to defend itself, or its friends, or to attack its enemies, in the event it is attacked.

So, Mr. President, I hope the distinguished Senator from Texas will modify his amendment in that way, if he is permitted to do so. If he is not permitted to do so, I shall offer such an amendment, but only as a friendly amendment.

Mr. TOWER. I thank the distinguished Senator from Florida. I see no objection to such a change; and I now ask unanimous consent that I be allowed to modify my amendment by striking out the word "reservation," and substituting therefor the word "understanding."

Mr. FULBRIGHT. Mr. President, reserving the right to object—

Mr. MUNDT. Mr. President, a point of order: Unanimous consent is not required when a Senator wishes to amend his own amendment.

The PRESIDING OFFICER. Unanimous consent is required after the yeas and nays have been ordered.

Mr. FULBRIGHT. I do not know that I shall oppose this proposal; but I point out that such an amendment or reservation is not final, at all. It does not matter whether it is called an "understanding" or a "reservation."

If it actually has some bearing upon the substantive provisions of the treaty, it could be called an "understanding" from now until doomsday, but still it would not be such if it altered the terms of the treaty. The other parties to the treaty have the capacity to say how this provision would affect the treaty; and regardless of whether this proposal is

added to the resolution of ratification or is added to the treaty itself, its meaning will be determined by the other parties to the treaty, if they wish to regard this provision as an effort to change the meaning of the treaty.

We have had the opinion of the legal advisers, and the other day the majority leader made a very fine statement about this matter; and there are many other considerations.

I did not anticipate that this proposal would be taken so seriously, or else I would have said more about it at the beginning. I do not believe such a reservation or understanding is at all wise. Ninety-nine countries have now signed the treaty or acceded to it. Most of them are nonnuclear powers. Merely on grounds of policy itself, I believe it would be very unwise for us, the greatest power in the world, to say to them, "We will, in time of war, use nuclear power on you if we want to; and this treaty does not at all inhibit us from doing so."

It is true that no such inhibition is provided by the treaty. Everyone who has studied the treaty, including the legal authorities in the State Department and the Senator from Illinois, has stated that the treaty does not apply in time of war and was not intended to apply in time of war. The treaty has nothing to do with the measures our country will take to deal with an act of war against it. This is a test ban treaty; its title says so.

The phrase which disturbs some Senators originated in our own suggestion.

The U.S. Government inserted that provision in order to close a loophole. The loophole was a possible claim by the Russians that they were testing for peaceful purposes. We would call it the plowshare program. I do not know what they call it. We insisted on inserting the language referred to in order to close that loophole so that any kind of explosion for test purposes would be prohibited. We did not want to enable the Russians to say, "Yes, we were only testing under a plowshare program." As I stated, no one believes that that has anything to do with the pursuance of war. I have the report of the committee which sets forth the cases, which are limited on the subject that the treaty is incompatible with the carrying on of war.

In the case of Techt against Hughes, before the U.S. Court of Appeals, which appears on page 6 of the committee report, Judge Cardozo ruled:

International law today does not preserve treaties or annul them, regardless of the effects produced. It deals with such problems pragmatically, preserving or annulling as the necessities of war exact * * *

Intention in such circumstances is clear * * * provisions compatible with a state of hostilities, unless expressly terminated, will be enforced, and those incompatible rejected.

Very clearly that would be incompatible with a state of hostilities. There is not the slightest doubt in the minds of any of the persons who had anything to do with the treaty or with international law that the treaty would not apply in time of war. It is a test ban treaty only.

16824

CONGRESSIONAL RECORD — SENATE

September 23

Mr. President, I hope that we will not load down the treaty with understandings. As the Senator from New York stated a moment ago, I regret that we had to vote on some of these amendments. We are all for the objectives stated in the amendments, but they should not be offered to the treaty. Excluding the original parties, the treaty is with 96 foreign countries. I know that some of them would be confused and would misunderstand that sort of action no matter how laudable the purpose or how sound its reason. It would be a mistake to load down the treaty with our understandings.

The Senator from Vermont made a telling point when he said that if we should agree to such amendments, we would leave the treaty open to the implication that perhaps it did and was intended to influence the control of arms.

I shall not object to the Senator's modification because I do not believe that changing the term from "reservation" to "understanding" would alter in the slightest the meaning of the proposal.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from California.

Mr. KUCHEL. Mr. President, when the President of the United States sent the proposed test ban treaty to the Senate, he said:

While it will not end the threat of nuclear war or outlaw the use of nuclear weapons, it can reduce world tensions.

When the Secretary of State sent the treaty to the President, he clearly pointed out:

The phrase "any other nuclear explosion" includes explosions for peaceful purposes. Such explosions are prohibited by the treaty because of the difficulty of differentiating between weapon test explosions and peaceful explosions without additional controls.

The language would not prohibit the use of nuclear weapons in time of war, nor would it restrict the exercise of the right of self-defense recognized in article 51 of the charter of the United Nations.

Mr. President, I and every Senator who was present at the time the hearings took place listened to the Senator from Arkansas [Mr. FULBRIGHT] inquire specifically of the intention of the parties. There is no question at all as to the intention of the parties.

Then, because that great, gallant American leader, General Eisenhower, in his letter endorsing the treaty, used the word "reservation," the minority leader spoke directly with General Eisenhower, and the word "reservation," which, as the Senator from Arkansas [Mr. FULBRIGHT] pointed out, is a word of art, was withdrawn by General Eisenhower.

As the minority leader indicated, it would be a tragedy if by the use of the word "reservation" or the word "understanding" the Senate should now begin to toy with something that ought to be crystal clear by the statements and assertions of those in a position of responsibility who came forward.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. YOUNG of Ohio. Mr. President, reserving the right to object—

The PRESIDING OFFICER. Does the Senator object?

Mr. YOUNG of Ohio. The junior Senator from Ohio will not be mealy-mouthed about it. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HOLLAND. Mr. President, I send to the desk an amendment to the reservation offered by the Senator from Texas, changing the word "reservation" to the word—

The PRESIDING OFFICER. Before the amendment would be in order, the time must first be used on the reservation of the Senator from Texas. The yeas and nays have been ordered.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. When my amendment is offered, what will be the time limitation on it?

The PRESIDING OFFICER. The Senator from Florida will have an hour on his amendment.

Mr. HOLLAND. I shall not need any such period of time. I thought we could dispose of the whole subject under the present limitation. But if the Chair has made the necessary ruling under the parliamentary situation, of course, I shall accede to it.

The PRESIDING OFFICER. Do the Senators controlling the time yield back the remainder of their time?

Mr. TOWER. Mr. President, as soon as every Senator who desires to speak on the amendment has spoken, I shall yield back the remainder of my time.

Mr. ALLOTT. Mr. President, will the Senator from Texas yield 15 seconds to me?

Mr. TOWER. I yield 30 seconds to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I heard the remarks of the Senators who have spoken. The message of the President, the statement of General Eisenhower, and the statements of others will not become a part of the historical record of the 90 or more countries who have approved the treaty. The document that will become one of the historical records of those countries is the treaty. The language of the treaty is "No other nuclear explosions." In order that we may be under no mistake as to what we are saying or doing, I think we must make that point clear. Perhaps in the Senate we are clear. I know what I wish to believe the treaty provides, but I am not sure other countries believe or agree. I ask unanimous consent that I may have printed at this point a resolution introduced by the Polish delegation at Belgrade, which I offered at the conclusion of my former remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

DRAFT RESOLUTION SUBMITTED BY THE POLISH GROUP

The following draft resolution was submitted by the Polish group with the request

that it be included on the agenda of the Council and of the Conference:

"The 52d Interparliamentary Conference, 'Noting with profound satisfaction that in Moscow on July 5, 1963, Great Britain, the U.S.S.R., and the United States signed a treaty on the cessation of nuclear tests in the atmosphere, in outer space, and under water and that this agreement received general popular approval,

'Convinced that the Moscow agreement constitutes an important step forward in lessening international tension and strengthening confidence in relations between states, and that it gives proof of the possibility of settling international problems by means of an understanding based on the principle of peaceful coexistence between states whatever their political or social regimes,

'Considering that the Moscow agreement created favorable conditions for the realization of new records leading to a detente in international relations and looking toward general and complete disarmament, an indispensable conditions for the consolidation of peace among peoples."

Mr. TOWER. Mr. President, if what has been said is true that it is the consensus that the treaty would not bar us from using nuclear weapons in a situation of armed conflict, there should be no serious objection to enacting the reservation or understanding, as it might be. It think it is important, when it comes time to construe our intent after ratification of the treaty, that we be on record, so that there will be no doubt as to what our intent, and understanding of the treaty was. On that basis I urge Senators to agree to the reservation.

Mr. COOPER. Mr. President, will the Senator yield 2 minutes to me?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. I oppose the understanding or reservation. If the treaty had been negotiated for the purpose of prohibiting the use of nuclear weapons in warfare—as conventions and treaties that have been negotiated barring the use of poison gas—then there would be some substance to the argument for the understanding. But as the committee chairman and others have said, we are dealing with a treaty which was negotiated for the sole purpose of imposing a ban upon certain types of nuclear test explosions. Article 4 of the treaty makes it clear that the treaty was not intended to prevent a signatory from defending itself. It strengthens the case against such an interpretation as has been advanced in support of the understanding. Article 4 of the treaty provides that if extraordinary events should occur which would jeopardize the supreme interests of our country, the treaty could be abrogated upon 90 days' notice. And, as has been pointed out, if there is a breach by the Soviet Union, the treaty could be abrogated immediately by the United States.

If there can be an abrogation upon 90 days' notice for some extraordinary event relating to the subject matter of the treaty, or upon a direct breach by the Soviet Union, surely it is reasonable that it was never contemplated that it could not be abrogated in wartime.

If our country should find itself in war, or threatened, I hold that under international law and the immutable right of self-defense, this treaty could not

1963

CONGRESSIONAL RECORD — SENATE

16825

limit in any way the use of whatever means, including nuclear weapons, the President determined necessary to protect the sovereignty and the security of the Nation.

The PRESIDING OFFICER. The time yielded to the Senator from Kentucky has expired.

Mr. FULBRIGHT. Mr. President, I yield the Senator another minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for an additional minute.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. FULBRIGHT. The Senator has not the slightest doubt, has he, that the President, under his duties as President, would take whatever means were necessary for the defense of the United States or its allies? Is there any question about that?

Mr. COOPER. Not the slightest doubt. That the President has such power, is primary and fundamental. The President of the United States, or the Congress of the United States could take action, if any event of any kind threatened our security, no matter what the treaty provided. Whatever means were necessary could be taken and would be taken to protect the security of this country.

Even article IV, which provides a means of abrogating the treaty in lesser circumstances, confirms in the context of the treaty itself, if there is any doubt, that it was never intended to be applicable in time of war. It could not limit the use of nuclear weapons in war. That power resides in the President, as Commander in Chief, and is a right of defense.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield.

Mr. MILLER. Recognizing that there is no question about the right of self-defense, so far as the United States is concerned, what about the right to engage in a war to prevent aggression against one's allies? As I recall, that is not covered by the Charter of the United Nations. Would the Senator put that in the same category?

Mr. COOPER. I understand the issue. It was raised by the senior Senator from Nebraska [Mr. CURTIS] the other evening. He gave as an example the dispatch of troops by President Eisenhower to Lebanon, and expressed the view that the treaty would deny our ability to apply power in such situations, or to support our action with nuclear weapons.

The PRESIDING OFFICER. The time yielded to the Senator from Kentucky has again expired.

Mr. COOPER. May I have 1 additional minute?

Mr. FULBRIGHT. I yield the Senator another minute.

Mr. COOPER. I believe our right to take action if a situation arose any place in the world which threatened the security of the United States, could not be limited by the treaty. The President of the United States, or the Congress

in appropriate cases, could do whatever was thought necessary for the security of our country. I cannot see that there would be any inhibition. These are the reasons I oppose the reservation or understanding. In my opinion the treaty language shows clearly that it applies only to nuclear test explosions. And in no case can this treaty limit the right and the duty of the President, supported by the Congress, to protect the security of the United States—and by nuclear weapons, if required.

Mr. TOWER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mr. TOWER. I have no doubt that the President would actually use nuclear weapons if he thought it necessary to do so in a critical situation, but we do not wish to be pilloried in the court of world opinion. That is one thing which many of our friends often worry about. This language is to be construed by an international court. We had better let them know our intent.

Mr. President, I yield 2 minutes to the Senator from Virginia [Mr. ROBERTSON].

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. ROBERTSON. Mr. President, I spoke on this subject on the 16th of this month. At that time I said that this language clearly prohibited us from the use of atomic weapons in our defense and prohibited us from using atomic weapons in defense of NATO, and that that perhaps was why it was put in the treaty.

I asked the distinguished chairman of the Committee on Foreign Relations whether a disagreement as to what the language meant would go to the International Court for a solution. What did the Senator from Arkansas reply to that? Would this go to the Court for construction, or not?

Mr. FULBRIGHT. I do not think so. We could say that this is a domestic matter and none of the Court's business, under the Connally reservation. Since that Court was created, I do not believe this country has ever engaged in an action before the Court.

Mr. ROBERTSON. We could say it was a domestic matter.

Mr. FULBRIGHT. The Russians are members of the Court; are they not?

There is no issue with the Russians there.

Mr. ROBERTSON. The United States is a member of the Court. We did not join the League of Nations; but we did join the Court.

The language would go to the Court, and the Court would construe the language of the treaty. Now let us go to the next question.

There has been proposed a reservation that we could use these weapons in an armed conflict. That would be an amendment. That perhaps will be voted down. Very well, then; if there were any question of construction it would be held the Senate had voted against using the weapons in our own defense. That reasoning is an established point of law.

The PRESIDING OFFICER. The time yielded to the Senator from Virginia has expired.

Mr. ROBERTSON. Will the Senator yield me 1 more minute?

Mr. TOWER. Mr. President, I yield 2 more minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 more minutes.

Mr. ROBERTSON. The Senator from Florida will offer an amendment by which the Senate will "go on record" as saying that we can use such weapons after we are attacked, in our defense. The distinguished chairman of the committee says, "Oh, do not do that. That would offend Russia. Russia has to pass on what this language means."

We are told not even to say as a matter of policy that, when we are being attacked by nuclear weapons, we favor using them in our defense.

I wish to read the Senate what my predecessor, Carter Glass, said about the Briand-Kellogg pact. It outlawed war, and all nations signed it. This is what Carter Glass said about that pact:

Mind you, it would confuse the minds of many good and pious people who think that peace may be secured by polite professions of brotherly love.

The opposition says we should not even stand up and be counted as determined to use atomic weapons in our own defense.

Mr. TOWER. Mr. President, I yield 3 minutes to the Senator from North Carolina [Mr. ERVIN].

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 3 minutes.

Mr. ERVIN. Mr. President, it seems to me that the Senate should go on record as saying that this treaty would not inhibit the United States from the use of atomic weapons in defense of itself or its allies in case of war.

Under the decisions of the Supreme Court of the United States, a treaty is to be interpreted like any other legal document; that is, according to the language in which it is expressed. This treaty, according to its language, applies in time of war as well as in time of peace.

There is some confusion in international law on the subject of whether a war between two countries which have agreed to a treaty suspends that treaty. There are some decisions to that effect, but there is confusion on the subject.

If Russia has gone on record as saying that this treaty would not apply in time of war; if the President of the United States has gone on record saying that this treaty would not prohibit the United States from using atomic weapons in its own defense and in defense of its allies in time of war; then why in heaven's name should not the Senate of the United States be allowed to go on record accordingly?

Mr. ROBERTSON. Amen.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from New York [Mr. JAVITS].

16826

CONGRESSIONAL RECORD — SENATE

September 23

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I did not intend to speak on this subject, but I am moved to speak because one thing seems to have been overlooked in the debate so far. If the Senate adopts this reservation it will apply to the Russians as much as it applies to us, even though they do not make the reservation. That is an accepted principle of international law. If we adopt the reservation, it will be just as effective for them as for us. They will have adopted it, for all practical purposes. It would be a similar reservation—namely, that they, too, would be free to use nuclear weapons in the event of armed conflict.

Where would that get us? Exactly nowhere, except to make the small step an even smaller step than now.

That is the sum total of the argument. We seem to be oblivious to the fact that another great nation is a contracting party, and that the reservation would apply to it just as much as it would apply to us. That is a Hornbook principle of international law.

Since that is the case, the reservation would nullify itself. The only thing the treaty would say would be, "We are talking about trying to get somewhere, but we all know we are not going to get somewhere, because we must keep our powder dry in case of some contingency; and armed conflict is the likely result."

I wish to say no such thing myself, and therefore I shall vote against the reservation.

Mr. FULBRIGHT. Mr. President, I wish to yield 3 minutes to the Senator from Vermont [Mr. Aiken].

Mr. AIKEN. Mr. President, this is the most dangerous reservation which has been offered to the treaty. It not only puts a different meaning on the treaty than was intended by the original signatories to the treaty, but it opens the door to every other country in the world to interpret this treaty as it desires.

It is extremely dangerous. It would be better to kill the treaty by voting against it than to do this to it, when we never could be sure of its precise meaning any time thereafter.

There was no misunderstanding among the original signatories as to what it meant. Russia publicly has stated that it means a country can use nuclear weapons in the event of war. Why should we concede now that it does not mean we can use nuclear weapons in the event of war? Why should we say that we are casting international law out the window when, under international law, if I am correctly informed, any country whose security is in danger or is at war can use whatever weapons are necessary to protect itself.

Further than that, if any signatory violates this treaty, it is immediately inoperative, without any notice.

So I say it would be far better to kill the treaty by voting against it than to cloud its meaning this way, because adoption of this reservation opens the door to any signatory nation in the world to put any interpretation on it, after the meaning of the treaty has been

given to the whole world, and understood thoroughly by the three principal signatories to this treaty. I have respect for any Senator who thinks this treaty is bad and wants to vote against it, but I do not think we should obscure its meaning by adopting this reservation.

Mr. HOLLAND. Mr. President, will the Senator yield to me?

Mr. AIKEN. I yield.

Mr. HOLLAND. I am addressing my question now to the Senator from Texas.

Mr. TOWER. Mr. President, the Senator from New Hampshire [Mr. Corron] asked me to yield first. I yield 2 minutes to the Senator from New Hampshire first. Then I shall yield to the Senator from Florida.

Mr. COTTON. Mr. President, I did not intend to comment on any of these reservations. After careful study and much soul searching I determined to support the treaty and gave my reasons on this floor several weeks ago, I do not intend to cast a vote which will result in killing it.

I shall vote, however, for the insertion of the amendment of the Senator from Texas as an "understanding."

Mr. President, I have been utterly amazed, in the last few minutes, to hear the Senator from New York suggest that if we adopt this amendment we may, in some way, permit the Soviets or other signatories the use of nuclear bombs in armed conflict in a manner they would not be allowed under the terms of this treaty.

Mr. President, if there is anything in this treaty that hampers our enemy in the use of nuclear weapons then it hampers us. I cannot believe the Senator from New York really means what he said and I am convinced the treaty could not be interpreted to preclude our full and free use of all weapons in our arsenal in any armed conflict, but I can see no reason why this Senate should not nail it down and make it crystal clear.

I shall vote to insert this clear "understanding" in the treaty.

Mr. TOWER. I yield now to the Senator from Florida.

Mr. HOLLAND. Mr. President, I think we are all trying to go the same place. I think we are making one mistake. We are thinking that the good will, decency, and willingness to proceed by gentlemen's agreement and understanding that prevails on this floor prevails throughout the world and is going to prevail regardless of what is said in advising and consenting to this treaty.

Mr. President, we are not advising and consenting to the report of the able committee. We are advising and consenting to this treaty, in the very few words in which it is stated on pages 7 and 8 and a little of page 9, of the message from the President of the United States.

All Senators know that at two places in the treaty it is not left clear by the words of the treaty itself that we do have the right to use nuclear weapons in our defense or that of our friends if we have to do it. Those two places are in article I. The first part of it reads:

Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to

carry out any nuclear test explosion, or any other nuclear explosion, at any place under its jurisdiction or control—

Governing both test explosions and other explosions.

Then, in subsection 2 of that same articles:

Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion.

Every Senator here understands that we intend to preserve our right to defend ourselves by the use of our nuclear arsenal. But the world is looking at our action in advising and consenting to the wording of this particular treaty, and not to what is in the record, not to what is in the record of testimony of eminent citizens, and not to what is in the hearts of good men and women here on the floor of the Senate, everyone of whom operates under an understanding which, unfortunately, does not prevail in most of the rest of the world.

The record, this last hour, shows that there is a difference of opinion in the Senate as to what the treaty means. The able Senator from Virginia, great lawyer and certainly a fine legislator of long experience, says that in his judgment it would ban the use of nuclear weapons in time of war. Other Senators say with equal force that, in their judgment, that treaty would not so ban. I am inclined to agree with the latter group, but I see no point in the world in our being unwilling to make the matter clear in the Record, particularly in view of the fact that this debate has taken place and the Record shows that difference of opinion.

Further, everyone knows this question has been raised from one corner of this country to the other. I have in my own file telegrams not only from fine citizens of my own State, but from a great many other States of the Union, on this particular point, asking, "Is it not true that we would bind ourselves against the use of nuclear weapons in event of war?"

No, in my opinion, we would not. Yet, to look at the wording of the treaty, can anyone determine that fact with certainty? It is for that reason that I feel we should make clear in the Record our understanding of this provision of the treaty.

It is rather amusing to have those who say it does not apply to use of nuclear weapons in time of war refer to the words of the Soviet Union to show that it is their understanding. Of course, it is their understanding. Of course, that is our understanding. But why not leave it in this imperishable Record to make sure that the whole world, the unfriendly part of the world as well as the friendly part, knows it? Why not say in unqualified words, that our understanding is that we have the right to use nuclear weapons if someone proceeds against us, making our defense necessary?

There is nothing wrong about that. There is nothing in the way of a reservation if that is done. There is nothing that requires future action by anyone else. There is nothing that flies in the face of what the Soviet Union has said,

1963

CONGRESSIONAL RECORD — SENATE

16827

if that is what concerns Senators greatly, although it does not concern me greatly, because they have already said that they retain that right. Why should we not, when we are being asked to cast our sacred vote, as representatives of nearly 190 million people, to advise and consent to this treaty, say that our understanding is that we do not yield our right to use our own nuclear arsenal in event war forces us to do so?

We should take that action in view of all the confusion in the country. If we fail to do it, it may well be argued, with stronger effect than it could otherwise be, that we are unwilling to state in the Record that we preserve the right to use nuclear weapons if that sad necessity is thrust upon us.

Mr. TOWER. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. CANNON. Mr. President, will the Senator yield to me?

Mr. TOWER. I yield a minute and a half to the Senator from Nevada.

Mr. CANNON. Mr. President, I would like to ask the distinguished Senator from Florida if it is not a fact that a "nay" vote on the pending proposal, as an understanding, would indicate grave doubt to others reading the action of the Senate as to whether we intend to reserve the right to use nuclear weapons in time of armed conflict?

Mr. HOLLAND. The Senator is absolutely correct. It is for that reason that I am supporting the philosophy of the Senator from Texas, to try to make it clear that we are stating our own understanding as to what our right is, instead of adopting a reservation, which requires submission to anyone else.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. I yield a half minute to the Senator from Nevada.

Mr. CANNON. I should like to make a further point. The opinion of the legal adviser, which has been referred to, is only a legal opinion. We know that lawyers are often proved to be wrong in their statement of a legal opinion. Furthermore, the question has been raised whether the words "or any other nuclear explosion" impose any limitation on the use of nuclear weapons by the parties in war. The answer is "No."

The proposed understanding provides that the treaty does not inhibit the use of nuclear weapons in armed conflict. History shows that we have had many armed conflicts short of a declared war. In such a case the legal opinion of attorneys might well differ from the language of the understanding.

Mr. HOLLAND. I thank my distinguished friend for his comment.

Mr. FULBRIGHT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, so long as Senators have entered into a discussion of the constitutional interpretation of the language, my position is that we must look at the whole substance of the

treaty. The purpose of the treaty deals with a test ban.

Suppose we try to write into the treaty an understanding or reservation to define the situation in which we would have the right to use nuclear weapons. We start with this basic principle. International law recognizes the right of citizens, through the President of the United States and through Congress, when it becomes its duty, to determine the circumstances under which they can use whatever means are necessary, including the use of nuclear weapons. If the Senate should try to change this language, in doing so we could limit the capacity and ability of the President if the need should come to make such a determination.

When could we use nuclear weapons? It is stated "in war." That means that war would have commenced. Would we limit the President to use whatever weapons were necessary to be used if it were necessary to protect the life of this Nation to use them before war actually began? I do not believe Senators mean that. Yet we would have limited the powers of the President, which are broad and comprehensive, to do anything necessary to protect this country.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes. I did not anticipate that this question would be taken so seriously, especially after the discussion during the earlier debate on the same subject, and especially in view of what the Senator from Illinois has said. The treaty does not restrict the making of weapons. It is not intended to do so. No one has suggested that it does. It deals with testing. That fact is reflected in the title of the treaty. Everything in it is intended to apply to nuclear testing. The language that has been referred to is intended to eliminate the loophole of testing for peaceful purposes. The purpose of the treaty is clear. It is not intended to control the use of weapons in wartime. We all know that the Commander in Chief of this country determines such questions as this. Even under the McMahon Act the power to direct the use of nuclear weapons is restricted to the President. He orders the use of such weapons, or any other weapons. No one could possibly or reasonably interpret the treaty as undertaking to limit the President, as the Commander in Chief of all the Armed Forces, in the use of his discretion.

I did not anticipate that this question would be taken so seriously. The situation is generally well understood. We all understand the plain meaning of the treaty. I regret that this matter has assumed the import it has. I hope that the Senate will not, at the last moment, throw in this reservation or understanding and thereby open the way for the Russians or any other member to raise a question as to what it means, or to suggest a counter proposal. A great many nations have no nuclear weapons at all, and do not expect to have them; but they would like to say, "We would like to further restrict the use of nuclear weapons, so that they cannot be used under any circumstances. Let us outlaw them." Then we would get into the

kind of "ban the bomb," situation which so upset Great Britain in the past year or two.

The Russians would be greatly tempted for propaganda purposes to say, "the Americans have presented their treaty, and we have accepted it. Now they come along and add an amendment to their own treaty. They are so eager to use their weapons upon the defenseless people of the world that they cannot resist putting in their own treaty, which has been negotiated and accepted, this reservation or understanding." It would give them an opportunity that could prove irresistible.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield 1 minute to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I support what the distinguished Senator from Arkansas, the chairman of the Foreign Relations Committee, has stated. It is what the President has said in his letter to the distinguished minority leader and the majority leader, and what was pointed out in the testimony by both the Secretary of State and Counsel for the State Department. If we adopted the proposal, we would be doing an act contrary to what is, in effect, our treaty. The purpose of the treaty was advanced by President Eisenhower and continued by President Kennedy. It is not a Russian treaty. It is not a Russian proposal. The initiative lies with us. If we adopt the proposal before us we shall undertake to nullify the treaty and bring about renegotiation; and the Lord only knows what will result. I hope the proposal will be rejected.

Mr. DIRKSEN. Mr. President, I yield myself 5 minutes on the resolution of ratification.

When the distinguished Senator from Vermont indicated that there are elements of danger in this language, he was not overstating the case. If Senators will read the reservation, it is:

Subject to the reservation that the treaty does not inhibit the use of nuclear weapons in armed conflict.

Whose armed conflict? Our armed conflict, when we declare war? Would a conflict in Korea that might be grave enough to call for nuclear weapons be our conflict? Would a conflict in Vietnam, where we have some 14,000 military personnel, under the euphemistic title of instructors, be one of our armed conflicts? How would we establish that a conflict was our armed conflict?

The distinguished Senator from Arkansas put his finger on the problem and on the language dealing with the use of nuclear weapons by saying that the decision lies in the hands of the Commander in Chief. This language would be meaningless if it were not for the fact that it could cause mischief in interpretation abroad. Those were specific points which former President Eisenhower raised in his letter to the committee on August 23. The only question he raised was: Is there an interdiction on the use of nuclear power by this country in time of need? He inadvertently used the word "reservation." It was that

16828

CONGRESSIONAL RECORD — SENATE

September 23

point that I had straightened out, so that I might explain publicly that that was what was in mind. He was thinking only of using our arsenal of nuclear weapons if the time ever came when they were needed.

That question I raised specifically with the majority leader when we conferred with the President. So I refresh the recollection of the Senators again about the language in item 4, of the President's letter—and I have the original letter—to this effect:

In response to the suggestion made by President Eisenhower to the Foreign Relations Committee on August 23, 1963, and in conformity with the opinion of the legal adviser of the Department of State, set forth in the report of the Committee on Foreign Relations, I am glad to emphasize again that the treaty in no way limits the authority of the Commander in Chief to use nuclear weapons for the defense of the United States and its allies.

That statement goes infinitely further. If anything, the language in the reservation is an inhibition on how far the Commander in Chief of the United States gave assurances to the Senate.

The President continued:

Any decision to use such weapons would be made by the United States in accordance with its constitutional processes and would in no way be affected by the terms of the nuclear test ban treaty.

I do not know what clearer statement is necessary to indicate what would be done, but I call attention to the nicety of the language, because it does not inhibit or limit the authority of the Commander in Chief, who is the only one who can give the "go" sign and the order for the use of nuclear weapons. In the President's letter, the situation is properly put. In the reservation, it is carelessly put, and under interpretation abroad could do nothing except to create mischief and make some trouble before we got through.

Therefore, I hope the reservation will not be adopted.

Mr. TOWER. Mr. President, will the Senator yield me 1 minute?

Mr. DIRKSEN. I yield 1 minute to the Senator from Texas.

Mr. TOWER. Perhaps the "winter of our discontent" over the word "reservation" might be made a glorious summer if we were to adopt the amendment proposed to my reservation by the Senator from Florida [Mr. HOLLAND], which would strike out the word "reservation" and substitute therefor the word "understanding."

Mr. DIRKSEN. Mr. President, I yield myself 1 minute.

Using the word "understanding" would not make a change in the interpretation of whatever is said on the floor of the Senate today or will be said tomorrow. Call it a reservation, if we will; call it an understanding, if we will. It must be interpreted in light of the solemn and unequivocal assurance of the President of the United States in his capacity, not as President, but as Commander in Chief. I do not want to see that function complicated, with respect to our allies, by questions of what constitutes armed con-

flict or where it might take place. Such language would ultimately cause us trouble.

I hope that whether the proposal be called an understanding or a reservation, it will be rejected by the Senate.

Mr. HOLLAND. Mr. President, I send forward an amendment to the pending reservation to change the word "reservation" to "understanding."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 2, it is proposed to strike out "reservation" and insert in lieu thereof "understanding."

Mr. HOLLAND. Mr. President, this question is before the Senate, whether we want it to be here or not. The question was raised in earlier portions of the debate as to what the wording of the treaty itself—and that is what we are being asked to advise and consent to—means in this regard.

Senators who are lawyers have stated unequivocally that they are fearful that the words appearing in two places in the treaty—"or any other nuclear explosion," which does not include the word "test"—may be so broad as to jeopardize our right to use nuclear weapons in the event of an armed conflict.

The proposal of the Senator from Texas provides that the words "armed conflict" would, as suggested by the distinguished Senator from Nevada, include not only a fully declared war, in which Congress would have exercised its right under the Constitution to declare war, but also such situations as existed after the Pearl Harbor bombing, before Congress could be assembled, or after the Korean invasion. My recollection is that we did not even declare war at all in the matter of the Korean fighting.

So the question is whether, after the President has said that his understanding is that he would have the right, as Commander in Chief, to use nuclear weapons in war, although that is not stated in the treaty; and after the Soviets have stated that they have the understanding that they have the right to use nuclear weapons in armed conflict, and after the chairman of the Committee on Foreign Relations [Mr. FULBRIGHT], in the committee report has assured the Senate that the treaty in no way inhibits our use of nuclear weapons in time of crisis—the question is whether the Senate should state its understanding of this provision of the treaty.

Mr. President, I read this paragraph from page 6 of the committee report:

The Senate should be assured that the committee, in recommending approval of this treaty, is entirely satisfied that the treaty in no way impairs the authority and discretion of the Commander in Chief in time of crisis to employ whatever weapons he judges the situation may require, in accordance with our constitutional processes.

It appears that everyone else has the right to state his understanding, but that it is not desirable for the Senate, which must advise and consent before the treaty can become the action of this country, to state its understanding as to what is meant by the treaty's words, which by

themselves do not limit nuclear explosions to test explosions only.

I do not think that the slightest disruption of our relations with anybody would be occasioned by our adopting the amendment in the changed form which I now suggest; that is, that we insert in lieu of the word "reservation," as contained in the amendment proposed by the Senator from Texas, the word "understanding." I believe that is the understanding of every Member of the Senate. If it is not the understanding of any Member of the Senate, he ought not to vote for the ratification of the treaty.

I feel certain that no Member of the Senate would want to inhibit our country or its Commander in Chief from the use of all weapons within its arsenal in the event there is armed conflict, in which our future would be at stake, or in which the future of our friends to whom we are bound by treaty would be at stake.

So, Mr. President, it seems to me that the Senate is asked to give its advice and consent to a treaty which contains a provision—as set forth at two points in the treaty—which has led to differences of opinion among Senators as to the meaning intended. I think the Senate is clearly within its right in stating its understanding—and I believe this is the understanding of all Senators—that the United States is not to be precluded from the use of nuclear weapons in time of conflict. I know that all signers of the treaty intend that nuclear weapons may be used in time of conflict. However, I believe that hundreds of thousands of the American people are fearful that by approving the treaty as it now stands, we would be leaving a gap at this point. Certainly, anyone who reads the debate which has occurred in the Senate will be entitled to be fearful that the Senate has left such a gap and that Senators fear that the use of these words will limit our country's use of nuclear weapons at such times.

So, Mr. President, in my judgment the pending proposal will go far to stilling the doubts of many good Americans, many Americans just as patriotic as Senators, about the treaty. The pending proposal will bring our understanding out into the open, just as the President has stated his understanding, and just as the Soviets have stated their understanding. By this means we shall state openly that our understanding is that in the event of armed conflict, the United States will have the right to use its nuclear weapons in its defense or in the defense of its friends.

Mr. President, how can there be objection to such a statement? There is no question that even Senators who oppose approval of the treaty say that is what it means. Other Senators are doubtful that the wording used in the treaty will lead to that interpretation, and they have so stated on the floor of the Senate, and their statements of doubt now appear in the imperishable record of the Senate debate, which will be available as long as our country endures—which I

1963

CONGRESSIONAL RECORD — SENATE

16829

hope will be from now until the end of time.

Mr. President, can it be correctly said with any degree of authority or persuasiveness at all that a Senator must vote to have the Senate give its advice and consent to a treaty which he believes or which other Senators believe is not clear in dealing with this vital point? How can there be valid objection to a statement of understanding of the Senate at this time?

I listened with complete understanding, but with regret, to the statement made by the Senator from Vermont, in which he indicated that he thought Senators who were making this proposal were trying to kill the treaty.

Mr. President, I am not trying to kill the treaty. In fact, I have been "under the gun" in connection with the treaty; I have discussed it in the city of Miami, the largest city in Florida, and also in the city of Pensacola, and in the area of Orlando. I may say that the reactions to my statements have not been all unmixed; there have been many expressions of opinion in regard to the statements I made.

This is the only matter in connection with the treaty that has bothered me. How can Senators properly refrain from expressing their understanding in regard to this critical matter, when it is so clear that many Senators have doubts as to just what this part of the treaty does mean.

I listened to the remarks of the Senator from Virginia, who for many years was a distinguished official of his State, and who has held many important positions in the Senate for many years. He stated his doubt as to what is meant by this portion of the treaty.

I listened to the remarks of the distinguished Senator from North Carolina [Mr. ERVIN], for many years a great judge on the supreme court of his State. He stated his doubt as to the meaning of this provision in the treaty.

Similarly, I listened to the statements made by other Senators, for whom I have equal respect, and who also question the meaning of this portion of the treaty. I have equal respect for Senators who hold a contrary view.

However, Mr. President, this difference of opinion makes it necessary for the Senate to state its understanding in regard to this matter. If that is not done, either we leave room for the conclusion that we were willing to have others express their understanding, but we would not claim the right to express ours, in connection with our action in advising and consenting to the treaty; or, if the amendment is rejected, the conclusion that a considerable number of Senators believe the treaty is not as clear on this point as it should be, even though the treaty be approved by the Senate and subsequently be ratified. Mr. President, neither of those conclusions in regard to the treaty would be a happy one.

Mr. President, I shall vote for approval of the treaty. During the debate I have engaged in colloquy which has clearly shown how I feel about some of the important objections to the treaty. But I insist that the Senate is duty bound,

when dealing with the matter which is the subject of controversy among Senators, to take the action now proposed. I believe all Senators are patriotic and are trying to do the best they can for their country and for the peace of the world. On the other hand, in this case there is a grave difference of opinion.

There is only one way to settle it, and that is by having a majority of Senators vote to make clear that we believe we have a perfect right, after we give our advice and consent to the treaty, and after it becomes operative on the United States and on the other original signatories and on the more than 100 other nations which subsequently have joined in the treaty—a complete right, whether in time of war or at any other time, to use our nuclear weapons.

So, Mr. President, I hope we shall now vote to insert, in place of the word "reservation," the word "understanding."

Certainly there is no valid basis for objection to having the Senate state its understanding of a matter as vital as this one. The inclusion of this proposed change will not at all prevent the cessation of nuclear testing, but it will, instead, make more settled the minds of many of our fellow citizens, and also will make clear the fact that the Senate stands firm in stating that our country does have this continuing and important right, which at some time may have a vital effect on the survival of the United States as a free nation.

Mr. President, therefore I hope the proposal to substitute the word "understanding" for the word "reservation" will be adopted.

Mr. MUNDT. Mr. President, will the Senator from Florida yield to me 3 minutes, to enable me to speak in support of this proposal?

Mr. HOLLAND. Mr. President, I yield 3 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 3 minutes.

Mr. MUNDT. Mr. President, in my opinion the Senator from Texas [Mr. TOWER] and the Senator from Florida [Mr. HOLLAND] have, by their combined efforts, made a constructive contribution to the debate and to the Senate's consideration of the treaty.

Certainly there is much validity in the question raised by the Senator from Florida that if the Russian leader and the President of the United States and individual spokesmen for the State Department have a right to express their understanding, what in the world has put the Senate down to such a low level that it is not entitled to express its understanding?

All we are asked to do today in this amendment is express our understanding.

I shall vote for approval of the treaty; but I shall be able to do so with much more confidence and peace of mind if, by vote of the Senate, the clear understanding of the Senate or the clear understanding of the Senators who vote in favor of this proposal is recorded, so as to show that we retain for ourselves

the right to use these nuclear weapons in time of war.

It is all very well to say that other nations will understand this because of a Foreign Relations Committee report or a statement from the White House; but it should be pointed out that even the preceding President of the United States, even after 8 years of experience in the White House and even after many years of experience in the Army, Dwight Eisenhower, still did not understand this aspect of the treaty—so much so that he requested, by letter, and subsequently obtained, a special explanation, which was given to him in order to demonstrate that this can be done.

If there is such lack of understanding or if there is such misunderstanding in high places in the United States, consider, Mr. President, the very great amount of misunderstanding which could develop in other countries.

If there can be that degree of misunderstanding in such high places in America, what great misunderstandings can surely develop in foreign countries in which a different language is spoken and where an altogether different form of parliamentary procedure is practiced. It is important that Senators be given an opportunity to register their individual understanding in a yea-and-nay vote, and to decide for themselves in the yea-and-nay vote what type of understanding they wish to hammer home in connection with this important area of doubt and uncertainty as expressed by many. The proposal is not a reservation. It would not change the fact that those who sign the treaty would have signed a treaty which read exactly as it appeared at the time it was signed.

I think this proposal also points up the criticism I made during my earlier remarks today in reference to how important it is that we develop a procedure whereby the principals who prepare a treaty complete the procedures of ratification before other nations are invited to sign it.

The PRESIDING OFFICER (Mr. BAYH in the chair). The time of the Senator has expired.

Mr. MUNDT. Mr. President, I ask for 2 additional minutes.

Mr. TOWER. I yield the Senator 2 additional minutes.

Mr. MUNDT. I pointed out how important it is that we develop a procedure for treaty ratification which would not put the Senate at the tail of the ratification line where we come in almost as an afterthought. We should develop a procedure that would not bring us into the discussion after 96 other countries sign it and widely publicized reports have been circulated announcing these ceremonial signatures. Then the administration comes to us for advice and consent? Oh, no. They come to us for consent and threaten us with the dire consequences of a negative vote. We are not asked for any advice until after the fact and our constitutional rights and duties are downgraded and ignored by such an unwise and unfortunate procedure in exercise of our treaty-ratifying responsibilities and authorities. It is precisely this type of situation the

16830

CONGRESSIONAL RECORD — SENATE

September 23

amendment I discussed earlier today is designed to eliminate.

With the proposed device of an understanding however, we can advise as to what we in the Senate mean individually from the standpoint of restrictions on the treaty, insofar as the wartime procedures of American are concerned.

I was impressed with what the Senator from Colorado [Mr. ALLOTT] said about what is being done at the Inter-parliamentary Conference in Belgrade now. Already they are interpreting the action as being some kind of restriction on the war-making capacity of the United States should we be compelled to fight for survival. I welcome the opportunity in a ye-a-and-nay vote to write in my understanding of what the treaty means.

Mr. HOLLAND. Mr. President, I ask for the ayes and nays.

Mr. FULBRIGHT. Mr. President, if the Senator will allow me, I did not object to his amendment. I am personally quite willing to accept the modification because it is quite clear in our memorandum and all of our studies that what the Senator calls the proposal—whether it is a reservation, interpretation, or understanding—is not controlling. What it actually is, is what the other parties mean it to be.

In order to save time, and to accommodate the Senator from Florida, I am quite willing to accept the modification, and then have a ye-a-and-nay vote on the proposal of the Senator from Texas [Mr. TOWER], upon which Senators are ready to vote now. This quibbling about whether it is an "understanding" or a "reservation" is purely meaningless.

As the Senator knows, a moment ago when he offered his modification I did not object. There is no use having a vote on that question unless the Senator insists. I think it ought to be changed, and then we should have a vote on the proposal of the Senator from Texas.

Mr. HOLLAND. Mr. President, that course would be completely agreeable to the Senator from Florida. He understood that a Senator objected to the modification.

Mr. TOWER. The Senator from Texas is prepared to accept the modification.

The PRESIDING OFFICER. Do both Senators yield back the remainder of their time?

Mr. FULBRIGHT. Mr. President, I shall yield back the remainder of my time.

Mr. HOLLAND. Perhaps it would expedite the business of the Senate if there could be a voice vote on my amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. JAVITS. Mr. President, before the Senator yields back the remainder of his time, will he yield for a question?

Mr. TOWER. I yield for a question.

Mr. JAVITS. I wish to ask the Senator from Arkansas [Mr. FULBRIGHT] a question. In view of the statements made by the Senator from South Dakota [Mr. MUNDT], the RECORD should be made clear by the Senator in charge of the bill that if the Senate votes down the proposed understanding, and if the

Senate ratifies the treaty upon the distinct commitment by the President that the President's hands are free to use nuclear weapons in the event that the President determines that the security of the country is jeopardized, that is the broadest possible definition; and I do not believe there should be any question about it.

Mr. FULBRIGHT. I think that is quite correct.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HOLLAND. That is exactly the purpose of the amendment. The purpose is to write that understanding into the formal giving of our advice and consent, and if we are that close together, by all means let us go ahead and write in that provision.

Mr. FULBRIGHT. Mr. President, there are many things that we understand and agree upon that ought not to be in the treaty. If a poll were taken on the question, we might agree that Khrushchev is a dictator, but I do not think that language should be included in the reservation. There are a great many things we could agree upon in relation to our international policies that ought not to be in a treaty. The treaty is restricted to a certain area of testing. It is not because there is any disagreement about the content of the Senator's amendment or the Senator's thesis; it is not appropriate to be included in the treaty. As the Senator from Illinois has said, we ought to get on with the business. I was only suggesting that the difference between "understanding" and "reservation" is meaningless, and I am prepared to accept that amendment of the proposal and go on and vote on it.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. MILLER. In view of what the Senator has been saying about writing that language into the treaty or into a resolution of ratification, I wonder if it would be possible to resolve the problem by having the provision written in as a part of the preamble.

Mr. FULBRIGHT. We will meet that possibility when we come to consider the preamble. At this point I would not care to make a commitment on that subject.

Mr. HOLLAND. Mr. President, while I am perfectly willing to follow the suggestion of the leader of the debate, the Senator from Arkansas [Mr. FULBRIGHT], I realize all time has elapsed on the amendment originally offered by the Senator from Texas. Therefore, I yield now to the Senator from Ohio as much time as he may require.

Mr. LAUSCHE. Mr. President, I have listened to the various statements that have been made about the right of Khrushchev and the right of our distinguished President to interpret the meaning of the language in the treaty. It has been said that while the Russians have given their interpretation, the Senate ought not to do so. I merely wish to point out that in the decision as to whether or not the treaty shall go into

effect, the Senate is the ultimate power. Without approval by the Senate, the treaty cannot become effective. The ultimate power in Russia has spoken. The ultimate power in the United States will not have spoken on the meaning of the language unless the Senate makes a declaration.

Arguments have been made about the twofold possible meaning of the words used. The Senator from Florida rather magnanimously has said that the language can be interpreted in two ways. From my own standpoint the language is clear that all nuclear explosions, whether in peace or in war, would be barred. It is only because of the force of the language that these differences of opinions have risen as the various conclusions suggest. If Khrushchev, the ultimate power in Russia, has the right to state what he understands the language to be and the President of the United States feels impelled to give his interpretation, I submit to the Senate the following question: By what force of reason shall there be denied to the ultimate power in the approval of the treaty the opportunity to declare what it means? There can be no reasons.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. Mr. President, I reserve the remainder of my time.

Mr. FULBRIGHT. I yield to the majority leader as much time as he desires.

Mr. MANSFIELD. Mr. President, I have listened to the debate with great interest, and most especially to the remarks of the distinguished Senator from Ohio [Mr. LAUSCHE]. He speaks about ultimate power and says that it rests in this body. I point out to him that our Government is operated on a tripartite basis, with powers equally divided between the judicial, legislative, and executive branches of the Government.

Under the Constitution, the man who is the President of this country is also the Commander in Chief. We have been extremely fortunate, throughout our history, in having the type of men at the head of this country whom we have had.

Our idea should be not one of ultimate power, but one of equal partnership.

We charge the President, whoever he may be, with initiating policy. He comes to us under article II, section 2 of the Constitution. He comes to us under the advise-and-consent clause. Two-thirds of the Members of this body present and voting must vote in support of any treaty before it becomes fully ratified.

I would hope that we would give to the President of the United States—to any President of the United States—the necessary authority he must have to carry out what we agree to in this body.

I point out that this is our treaty. This is not a treaty initiated by the Soviet Union. This is a proposal first initiated by President Eisenhower and fostered, in succession, by President Kennedy. I do not distrust President Eisenhower. I do not distrust President Kennedy. I hope that this body today

1963

CONGRESSIONAL RECORD — SENATE

16831

will give its support to the President of the United States in the long, arduous, and complicated negotiating job he and his predecessor have carried on over the past several years.

Mr. HOLLAND. Mr. President, I wish to reply briefly to my dear friend the majority leader.

The purpose of this amendment is to make it clear that the Chief Executive—either the present Chief Executive or anyone else who may be the Chief Executive—has complete power in good faith in the eyes of the world to use our nuclear weapons in the event there should be a declared war, or other kind of war, to which we have been too frequently subjected.

No Senator is trying to declare when nuclear weapons shall be used or shall not be used. We are only trying to say that this President or any President has a right of freedom of action in the defense of our country for the salvation of our country if it should depend on the use of nuclear weapons.

The Senator from Vermont was not in the Chamber a while ago when I adverted to his earlier comment. I want the Senator from Vermont and all other Senators to understand that I am supporting the treaty. I have supported it in my own State, and in the open, and over television, where everybody could see. I have had plenty of reaction from that—reaction which I think is fair.

There is a difference in understanding between the minds of some Senators and the minds of other Senators on the point as to whether we are withholding from this or any other President the right to use nuclear weapons under conditions which might require their use. Every Senator knows that there is no such intention. We are all sure that the President had no such intention in the framing the treaty.

Instead of using the words "or any other peaceful nuclear explosion" in the two places where this phrase appears he used, or those who formulated the treaty used, "or any other nuclear explosion," which does not apply solely to a peaceful explosion but applies equally to all kinds of nuclear explosions.

This has caused concern on the part of some military leaders, on the part of some civilian leaders, and many other fine citizens.

I believe we would make a grave mistake, which would come back to haunt the Senate, if we did not make it clear that when the Senate gives not only its consent but also its advice, the Senate shares the understanding of the President that explosions in time of war are not banned, and also that the determination as to when and whether such explosions should be used in the defense of our country is left where it should be left—to our President.

It is very clear that the words used in the treaty are not exclusive, but leave it in such a situation as to bring about the implication that they might apply either in time of peace or in time of war to any nuclear explosion other than the test explosions.

Every Senator can look at the treaty for himself. Every Senator is an edu-

cated man or woman. Every Senator knows that these words are susceptible of two interpretations. Every Senator knows that distinguished former judges—such as the Senator from Ohio [Mr. LAUSCHE], who has been both a judge and a Governor of his State for 10 years; the distinguished Senator from Virginia [Mr. ROBERTSON], who has been a judicial officer and has served in the Congress for many years; and the distinguished Senator from North Carolina [Mr. ERVIN], who has been a member of the supreme court of the great State of North Carolina—and equally distinguished Members on the other side of the aisle, are all doubtful about this matter and think we should, within our own right, state our understanding, which I am sure every Senator has, that we are not committing ourselves forever to restrict the use of nuclear weapons, regardless of what the need for them may be in the defense of our country.

Our words are spoken in support of the President. They are spoken in support of the treaty. They are spoken in support of this country, its security and its survival.

I am sure the distinguished Senator from Vermont was not intimating that Senators who take this position are trying to scuttle the treaty. That thought is furthest from our minds. I intend to vote for the treaty. I intend to vote for it even if this necessary and helpful provision is not written into the resolution of ratification.

I am surprised that Senators who are handling the treaty have not accepted this, because they say with one breath, "That is our understanding," and with another breath, "Notwithstanding the fact that there is a difference of opinion on the floor of the Senate, we do not want a majority of the Senate to state that it is the Senate's understanding, also."

I do not believe that is a tenable position. I believe that the majority of Senators should express their understanding. I believe that the Senate unanimously has such an understanding. Why in the name of all reason is it not proper for the Senate to say it has that understanding, and preserve the right clearly, so that not only it may be used by the President, but also may be used without cavil from other nations of the earth or pacifists within our own country, or others who apply a different meaning to the treaty from that which is stated by the President in this particular regard?

I think we shall be fair to ourselves, to the country and to the President, as well as to all other signatories, if we take this action. Therefore, I ask for a voice vote on the amendment.

Mr. ROBERTSON. Let us have the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Arkansas yield back his remaining time?

Mr. FULBRIGHT. Mr. President, what is the parliamentary situation?

Mr. HOLLAND. My understanding was that the Senator from Arkansas was willing to have a voice vote on this

amendment, and then a yeas and nays vote on the reservation, as modified.

Mr. FULBRIGHT. I never thought there was any distinction. I am perfectly willing to yield back the remainder of the time on the question, which relates to an understanding rather than a reservation.

The PRESIDING OFFICER. The Senator from Arkansas has 28 minutes remaining, and the time of the Senator from Florida has expired.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

Mr. FULBRIGHT. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Montana will state his parliamentary inquiry.

Mr. MANSFIELD. Is the Tower proposal before the Senate at the moment, or the Tower proposal as proposed to be amended by the amendment of the Senator from Florida?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida to the reservation of the Senator from Texas.

Do Senators yield back their remaining time?

Mr. HOLLAND. Mr. President, if the Senator will indulge me a moment—

Mr. FULBRIGHT. There can be a voice vote on this question.

Mr. HOLLAND. My understanding is that the Senator prefers a yeas-and-nays vote.

Mr. FULBRIGHT. That is correct.

Mr. HOLLAND. The Senator is willing to have a voice vote on this amendment, and then a yeas-and-nays vote on the Tower proposal.

Mr. FULBRIGHT. The Senator is correct.

Mr. President, I yield back the remainder of my time.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Pennsylvania will state it.

Mr. CLARK. Is it not a fact that if the Holland amendment is agreed to by a voice vote, the Tower amendment will then be set aside and the Senate will vote on an understanding instead of on a reservation?

The PRESIDING OFFICER. The Tower amendment, as amended with the word "understanding" included therein, would be before the Senate.

Mr. CLARK. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Would that not in effect require a yeas-and-nays vote on the same question on which there will have been a voice vote only a minute or two previous, in substance?

The PRESIDING OFFICER. With the exception of one word.

Mr. CLARK. The one word is the big word.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida to the reservation of the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the reservation of the

16832

CONGRESSIONAL RECORD — SENATE

September 23

Senator from Louisiana [Mr. LONG] offered by the Senator from Texas.

Mr. MANSFIELD. Mr. President, I move to table the pending reservation.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana to table.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Has all time on the proposal offered by the Senator from Texas [Mr. TOWER] been exhausted?

The PRESIDING OFFICER. That is correct.

The yeas and nays on the motion have been requested.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Louisiana [Mr. LONG]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. HUMPHREY. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. LONG], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from California [Mr. ENGLE] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 61, nays 33, as follows:

[No. 165 Ex.]

YEAS—61

Aiken	Hart	Morton
Anderson	Hartke	Moss
Bartlett	Hayden	Muskie
Bayh	Humphrey	Nelson
Bible	Inouye	Neuberger
Boggs	Jackson	Pearson
Brewster	Javits	Pell
Burdick	Johnston	Prouty
Byrd, W. Va.	Keating	Proxmire
Carlson	Kennedy	Randolph
Case	Kuchel	Ribicoff
Church	Long, Mo.	Saltonstall
Clark	Magnuson	Scott
Cooper	McCarthy	Smathers
Dirksen	McGee	Sparkman
Dodd	McGovern	Symington
Douglas	McIntyre	Williams, N.J.
Edmondson	McNamara	Yarborough
Fong	Metcalf	Young, Ohio
Fulbright	Monroney	
Gruening	Morse	

NAYS—33

Allott	Goldwater	Robertson
Beall	Hickenlooper	Russell
Bennett	Hill	Simpson
Byrd, Va.	Holland	Smith
Cannon	Jordan, N.C.	Stennis
Cotton	Jordan, Idaho	Talmadge
Curtis	Lausche	Thurmond
Dominick	McClellan	Tower
Eastland	Mechem	Walters
Ellender	Miller	Williams, Del.
Ervin	Mundt	Young, N. Dak.

NOT VOTING—6

Engle	Hruska	Mansfield
Gore	Long, La.	Pastore

So Mr. MANSFIELD's motion to table the reservation of Mr. LONG of Louisiana, offered by the Senator from Texas [Mr. TOWER], was agreed to.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the reservation was tabled.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to table was agreed to.

Mr. DIRKSEN. Mr. President, I would like to ask the distinguished Senator from Arkansas whether he knows of any other amendments to be offered, and how he calculates the time.

Mr. FULBRIGHT. I know of no other amendments to be offered. The Senator from Iowa [Mr. MILLER] had indicated that he would like to offer an amendment to the preamble, which is to be considered last under the unanimous-consent agreement. I know of no other proposals to be offered to amend the resolution of ratification.

Mr. JAVITS. Mr. President, can the Senator from Arkansas state when he expects the preamble questions to be taken up?

Mr. FULBRIGHT. Immediately, if no further reservations or understandings are to be proposed.

The PRESIDING OFFICER. Are there further reservations to be proposed to the resolution of ratification? The Chair hears none.

Mr. RUSSELL. Mr. President, I desire to call up my amendment in the nature of a preamble to the resolution of ratification and ask that it be stated.

The PRESIDING OFFICER. The proposal will be stated.

The LEGISLATIVE CLERK. It is proposed to add the following preamble:

Whereas the President has submitted a limited nuclear test ban treaty, providing a method of amendment, to the Senate for its advice and consent in accordance with article II, section II of the Constitution; and

Whereas the Constitution in article II, section II, provides "He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur"; and

Whereas amendments to treaties are subject to this constitutional provision: Now, therefore, be it

Mr. RUSSELL. Mr. President, I yield myself 10 minutes.

This amendment is not proposed merely to be captious or to undertake to affect the resolution of ratification. I well know that all the cards are assembled, sorted out, and counted to ratify the resolution of ratification. However, after I became engaged in a study of the treaty, I noted some distinct differences between this treaty and others of a similar nature to which our country has been a party.

Mr. President, I ask unanimous consent that the statement of the purposes of the pending treaty be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "Original Parties",

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows:

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed at this point in the Record article II of the treaty, which deals with the subject of amendments.

There being no objection, article II was ordered to be printed in the Record, as follows:

ARTICLE II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

Mr. RUSSELL. Mr. President, as I stated the other day, the treaty provides a unique procedure for amendment, such as I have not found in any other international understanding in which our country has ever been engaged.

I am aware that the present President of the United States has said that he would not undertake to ratify any amendment by executive agreement but would submit such a proposal to the Senate. This treaty by its express terms is a permanent treaty. We cannot be too careful in considering the matter of amendments. Senators are aware that the advice and consent provision of the Constitution and the veto power vested in Congress are the main provisions that assure that Congress shall be equal and coordinate with the executive branch and the judicial branch of the Government.

A treaty is not to be taken lightly. Senators know that under article VI of the Constitution, a treaty is the supreme law of the land.

When a treaty is ratified, it takes its place with the Constitution of the United States in importance. I shall read that provision, not for the benefit of Senators, but for the benefit of others who may peruse these remarks:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

This is the instance in which the Senate is the only branch of Congress which

1963

CONGRESSIONAL RECORD — SENATE

16833

participates in formulating the supreme law of the land, in coordination with the efforts of the Executive.

Mr. President, this portion of the treaty presented to Congress an entirely new idea, and it would be a welcome boon to certain of our very active political groups in this country who are constantly seeking to relegate the Congress to a secondary position and exalt the executive power of the Government.

I was not surprised to read in the New York Times last Sunday where the president of the Americans for Democratic Action had assailed the preamble amendment as some kind of limitation on the power of executive agreement. Limitations certainly should be imposed. Amendment to this or any other treaty should never be made or ratified by executive agreement.

I said that this treaty posed something new. I read from the Charter of the United Nations, article 108, and I ask Senators to heed this language:

Amendments to the present charter shall come into force for all members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly—

Listen to this significant language—

and ratified in accordance with their respective constitutional processes by two-thirds of all members of the United Nations, including all the permanent members of the Security Council.

Article 109, subsections 1, 2, and 3, provide for a change in the charter of the United Nations, and in every instance it says, "ratified in accordance with their respective constitutional processes," language that was omitted from the treaty when it was submitted.

Mr. President, I ask unanimous consent that these sections from the charter of the United Nations may appear in the RECORD as a part of my remarks.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

CHARTER OF THE UNITED NATIONS

CHAPTER XVII

Amendments

Article 108

Amendments to the present charter shall come into force for all members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of all members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A general conference of the members of the United Nations for the purpose of reviewing the present charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each member of the United Nations shall have one vote in the conference.

2. Any alteration of the present charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the 10th annual session of the Gen-

eral Assembly following the coming into force of the present charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX

Ratification and signature

Article 110

1. The present charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

Mr. RUSSELL. Mr. President, when we proceeded to draft the North Atlantic Treaty, to formulate that powerful organization, we were not careless; we did not leave this question of amendment suspended in midair, like Mohammed's coffin, attached neither to the earth nor to the heavens. We provided in the North Atlantic Treaty that this treaty shall be ratified in its provisions and carried out by the parties in accordance with their respective constitutional processes.

Let me read from article 11 of the North Atlantic Treaty:

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the states which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom, and the United States, have been deposited and shall come into effect with respect to other states on the date of the deposit of their ratifications.

That language does not appear in this treaty, although it has appeared in almost all of the other treaties and engagements that this country has ever made with a number of other countries, particularly providing for amendments. This amendment provision provides for a majority vote, and heretofore we have required a two-thirds vote in the United Nations. It requires unanimous approval in the United Nations before a new member can even be approved. But in this treaty we risk all of these amendments. They are prepared to take us down the path of total and complete disarmament on a majority vote of 100 nations, and I dare say, in my old-fashioned feeling, Mr. President, we have more to lose than 95 of the other nations combined.

Mr. JAVITS. Mr. President, will the Senator from Georgia yield for a question?

Mr. RUSSELL. Yes; I am glad to yield.

Mr. JAVITS. It is a fact that the United States must consent even if it is a majority.

Mr. RUSSELL. Of course, we have that both in the United Nations—we reserve it in the United Nations and in this charter, but, Mr. President, the Senator referred to the power of the executive branch. Where will the Congress have any right to withhold its con-

sent when this group of nations assembles to consider amendments? We will have no representative there. The executive branch of the Government will have its representative there, but the Congress will not be represented, and this is the only chance that Congress has to make it clear that we consider that amendments, even though opposed in the method set forth in article III of this treaty, must be submitted to the Senate for its advice and consent, as in section 2 of article II of the Constitution.

Mr. JAVIS. Mr. President, will the Senator from Georgia yield further? I do not wish to interrupt his train of thought.

Mr. RUSSELL. Yes; I am glad to yield.

Mr. JAVITS. I do have very serious concern about this matter. I wish to ask the Senator this question, rather than make a speech about it directly, because I believe the Senator should have the right to answer it. The particular understanding that we will be able to pass on any amendment without any question is solemnly contained in the letter with which the President transmitted the treaty to the Senate. He says so in unequivocal terms. In item 4 of the letter of transmittal, he says, "It cannot be amended without consent of the United States, including the consent of the Senate." The Foreign Relations Committee, in its report under the description of article II says, "This means that any amendment to the treaty must be submitted to the Senate for approval before it can take effect."

My question is this: I have just voted against the understanding of the Senator from Louisiana, as brought in by the Senator from Texas and as amended by the Senator from Florida, because I wanted to rely upon every commitment of the President including this—

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. RUSSELL. I yield 5 additional minutes to the Senator from New York.

Mr. JAVITS. I wish to rely on every commitment of the President as to the plan or the way in which we should ratify this treaty. The very distinguished Senator, the chairman of one of the most important committees, and one of the most important and respected Members of this body, asked us—and I ask this in all humility because I think it is important to get the Senator's view—why therefore should we pick out this one thing which certainly—I repeat in all honesty—is no more nor less important than the fact that the President will use atomic weapons in the defense of the United States and write this anywhere in the treaty, the preamble or anywhere else?

Mr. RUSSELL. Mr. President, I cannot speak as to other reservations and understandings that have been proposed, but the answer to make to the Senator from New York is the simplest one of all times. It is this: I place complete faith and credit in any assurance that the President, John Fitzgerald Kennedy, gives to the Congress, but when the Congress relies upon the word of any man

16834

CONGRESSIONAL RECORD — SENATE

September 23

who is mortal and may pass from the scene tomorrow, instead of passing laws by congressional action, we have abandoned a government of law and we are approving a government of men. We cannot accept the words of any man, however exalted he may be. It would have been wrong for the Congress to approve any oral assurance made by George Washington or Abraham Lincoln with respect to a matter that is vital to the future life of the American people.

This is not any reflection upon the President. It is not any reflection on any signatory to the treaty. It is not any reflection on the Foreign Relations Committee because I gave up any idea of offering the understanding, because the distinguished Senator from Arkansas and others thought that that might be submitted to some of the other signatories and cause great confusion. I did not think it would, but I finally agreed to make it as a preamble. It would not even be submitted to the other nations of the earth. This proposal is so domesticated that it cannot get out of the United States. It will not even be submitted to any signatory, but it is a reaffirmation of the right of Congress to play its constitutional role in the amendment of this treaty.

Senators, make no mistake. There will be amendments here within the next few years that will be much more far-reaching in their consequence and in their effect upon the security of the United States than this pending document, if it is truly limited in scope as has been reiterated. There will come proposals to destroy the atomic stockpile and then to limit the number of men you have in the Army, and then to limit the size of howitzers and artillery pieces, to strip them from 240 millimeters to perhaps 80 millimeters.

A long series of proposals will be made, because most of the countries that are parties signatory are not able to maintain any considerable military establishment. They are looking after their own interests. Most nations in the world are much better at that than is the United States. In their enlightened self-interest they will seek to reduce the armaments of all nations of the world. If they should succeed, they would be in a better position.

Without regard to who is President of the United States, we should neither shirk our duty nor absolve ourselves of our responsibility to advise and consent to amendments.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I am glad to yield.

Mr. ALLOTT. I shall support the preamble. As the Senator has said, we must not depend upon the President, because, as a result of circumstances, the President may not be with us tomorrow.

I am sure that the Senator was present in the Chamber when the Senator from Colorado advanced his argument with respect to the term "or any other nuclear explosion." We understand what the President has said about "any other nuclear explosion." We understand what the Secretary of State, the

Secretary of Defense, and the distinguished chairman of the Committee on Foreign Relations have said about it. We believe it. But why should the question which the Senator has raised with respect to his amendment that the President might pass away or that something unforeseen might happen to him, apply more forcibly, or be any more important than our right to use nuclear arms in the event of war?

Mr. RUSSELL. Mr. President, I do not know that it is any more important, but to me it has considerably more appeal. I have no control over the President's orders for the use of nuclear weapons. His responsibility is spelled out in the Atomic Energy Act. The President of the United States is the only living human being who has the power to release our nuclear power in the event of war. However, that is not a power that is in John F. Kennedy; that is a power that is in the Office of the President. It resides in the Presidency itself. President Eisenhower had it, and President Kennedy's successors will have it.

The proposal relates to the functions of the Senate in respect to a series of amendments that will follow. The Congress has no function in ordering the use of nuclear weapons. The President alone can do it. But we have a function and a sworn duty with respect to amendments to the treaty that will vitally affect our security.

The PRESIDING OFFICER. Does the Senator wish to yield himself more time?

Mr. RUSSELL. Mr. President, how much time have I remaining on the amendment?

The PRESIDING OFFICER. Fifteen minutes have expired; 15 minutes remain.

Mr. RUSSELL. Mr. President, I yield myself an additional 5 minutes.

Mr. ALLOTT. Mr. President, will the Senator yield further?

Mr. RUSSELL. I yield.

Mr. ALLOTT. I have heard that the amendment to the preamble will be accepted. I shall be very much interested in watching the vote, because I have been one of those who have said that the legislative branch of the Federal Government must reassert its authority and its equal place with the other branches of the Government, which I am not sure it is doing at the present time. I cannot see how the subject of the right of amendment, which is also in the treaty, in the President's letter, and in everyone's mouth, can take a more important position in being accepted or rejected by the chairman of the Committee on Foreign Relations than the question as to whether we should preserve our right to use atomic weapons in a war or armed conflict.

Mr. RUSSELL. When the Senator complains about the Congress surrendering its prerogatives, if my friend from Illinois were present in the Chamber, I would say, "Thou canst not say I did it; never shake thy gory locks at me."

I have fought for the past 30 years, in and out of season, to maintain the dignity and self-respect of the legislative branch of the Government in all of its power.

Mr. ALLOTT. Ever since I came to the Senate, I have also endeavored to preserve the dignity of the Congress. I have heaped garlands on the head of the distinguished Senator from Georgia for his actions in that respect, not only privately, but on the floor of the Senate.

Mr. RUSSELL. The Senator is crowning me with thorns now.

Mr. ALLOTT. No; I am not crowning the Senator with thorns; I am merely wondering whether the proposal will be accepted, while the right to use nuclear weapons in a war has been rejected.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the distinguished majority leader.

Mr. MANSFIELD. The distinguished Senator from Georgia has explained the nuclear aspects of the question. I am in complete accord with the proposed preamble which is now pending, and which bears his name. I hope that if and when a vote is taken, the result will show that the Senate is unanimously in favor of the preamble. What has been done has been to reemphasize a power which the Senate has. We do not have the ultimate power in everything, but in this respect we have. Under article II, section 2, of the Constitution, the advice and consent of the Senate on treaties is to be sought by the Executive. Any treaty, to become effective, must be approved by two-thirds of the Senators present and voting.

The proposal is an excellent preamble. It fits in well with the treaty. It reaffirms that amendments to treaties must be under article II, section 2, of the Constitution; and no one can find any fault with that.

Mr. RUSSELL. I thank the Senator. As I stated at the outset, the reason that the proposal was offered as a preamble instead of as an understanding was because of insistence on the part of the Senator from Arkansas, who did not desire to have the resolution of ratification cluttered up with anything other than the barebones verbiage of ratification, in order that it would not confuse any of the other signatories to the treaty. That plea was not too impressive to me, but I did not think it was worth standing out against on this question when we could put the language in the preamble. The preamble will not go to the other signatories to the treaty. So, from a parliamentary standpoint, there is a very great difference between action on a preamble, which would not accompany the resolution of ratification, and a reservation or understanding that would become a part of the amendment of ratification, and some other type of amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. The Senator has already explained exactly the most significant part. The preamble would not give either the Russians, the British, or any other signatory an opportunity to say, "The language has changed or altered the understanding and therefore we would like to consider it, and perhaps offer a counterproposal or something of that sort." The proposal

1963

CONGRESSIONAL RECORD — SENATE

16835

has great merit. It is an understanding among the Senate, the executive branch of the Government, and also the people of the country. We would reaffirm a provision of the Constitution.

I do not think it is necessary for anyone to say that he relies on the word of the present President or any other President. I rely on the provision of the Constitution which requires the procedure we are undertaking.

The effect of the proposal, in my view, is merely to call attention to that provision. It would reaffirm it. In all fairness, I do not see how it could be any more binding than the present provision of the Constitution.

I have made specific inquiries of authorities on our history. I have inquired of the best we have in our Government. I have asked the question, "Has a treaty ever been amended by anything less than another treaty; that is, by requiring the approval of two-thirds of the Members of this body?"

The answer is, "No."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield myself an additional 5 minutes.

An executive agreement is another question. But treaties have never been amended in any other way. I subscribe to the reasoning of the Senator. We do not wish them to be amended in any other way. The preamble will not be sent to other governments, thus giving them an opportunity to say, "This is a reservation, and, therefore, we wish to reopen the matter." Some captious country might do that. The proposal would avoid that possibility. That is the principal reason why the proposal is acceptable, and, so far as I am concerned, I am prepared to accept it.

Mr. SALTONSTALL. Mr. President, will the Senator yield for an observation? Will the Senator from Arkansas yield 1 minute?

Mr. FULBRIGHT. I yield a minute to the Senator from Massachusetts.

Mr. SALTONSTALL. Am I not correct in my understanding that the preamble submitted emphasizes that an amendment to the treaty would become a part of the treaty and be subject to the same processes as is the treaty?

Mr. RUSSELL. That is what I hope to achieve by the preamble.

The reason I offered the proposal is simple. I offered it first as an understanding, and now as a preamble, because of the unusual language of this treaty in article II, which provides for its amendment. If the treaty had had the same language as that in the United Nations Charter or in the NATO document, it never would have occurred to me. When that language was omitted from the treaty, I thought the Senate should reassert its right to consider amendments.

The Senator from Arkansas is completely correct, so far as I know, in stating that there has been no case in which a treaty has been amended which was not submitted to the Senate; but I submit that there has never been a treaty amended under the exact language of article II of this pending treaty.

Mr. SALTONSTALL. I asked the Senator the question because that was my interpretation of the preamble.

Mr. RUSSELL. I would never have offered any suggestion with reference to the language, if the treaty had carried the language which is in the United Nations Treaty or the document establishing the North Atlantic Treaty Organization.

Mr. SALTONSTALL. An amendment to a treaty would become a part of the treaty, and it should follow the same practices so far as ratification is concerned.

Mr. RUSSELL. The Senator is correct.

Mr. FULBRIGHT. Mr. President, I think the drafters of the treaty were so aware of the invariable practice of this country since it was first started that they assumed, as I assumed, that the instrument of ratification meant an instrument approved by the Senate.

The Senator has a point. It was not spelled out as it might have been.

Mr. RUSSELL. I thank the Senator. I go back to the Constitution of the United States. The word "ratification" does not appear in the Constitution of the United States. I prefer to have the express language which assures the right of the Senate to consider amendments.

Mr. MORSE. Mr. President, will the Senator yield me 5 minutes?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, last Thursday in my speech in support of the treaty, setting forth my reasons for voting for the treaty, I also set forth my reasons for opposition to the amendment of the preamble proposed at this time. I shall quickly summarize my reasons.

I shall vote against this preamble, because I consider it to be completely surplusage. In my judgment, it will have no constitutional effect, because the constitutional effect is already embodied in our law.

When the test ban treaty was signed and submitted to the Senate, it specifically required that it could only be amended upon deposit of instruments of ratification. That carries with it all the constitutional processes made binding upon the White House and upon the Senate by the Constitution itself.

The position of the Senator from Oregon is that the treaty cannot be amended by executive agreement. Any President who sought to amend this treaty by executive agreement would be subject to the checks of the Constitution against him, including the check of impeachment. He might attempt to do it, but I assume that if he attempted to do so the Senate, as well as the House of Representatives, would not sit mute. We can be sure the American people would not. If a President attempted to do that, it would be the clear constitutional duty of this body to proceed to exercise the constitutional processes against him.

As the Senator from Arkansas [Mr. FULBRIGHT] has pointed out, careful re-

search of this has been made, and it is not possible to find even any evidence that any attempt has ever been made by any President to amend a treaty by executive agreement, because Presidents know that would be exceeding their constitutional power.

But if the language does mean to imply that the word "ratification" must be defined in order to make it mean what the Constitution provides, then we throw into doubt all those treaties in force that do not carry the definition. There is no word from any advocates of this language as to whether a resolution with this in it means something that all other resolutions omitting it do not mean.

As I mentioned last week, we have ratified and have in effect some 600 treaties. No one has indicated whether putting a definition in this resolution means that all the other treaties can be amended by executive agreement even if they require ratification.

If the sponsors do not intend to cast any aspersion upon past or future treaties that lack this definition, then what they are adding is meaningless and serves no purpose but to obfuscate.

I shall oppose the amendment this afternoon, because I think it is bound to give rise to confusion. It will give rise to doubts. In my judgment, it will tend to weaken the position of the United States in respect to the treaty.

If there were any substantive part of the treaty which needed to be changed from the standpoint of our national interest, I would be urging it be changed; but we have reached the point of ratification, the time when obviously two-thirds of the Senate are in complete agreement with the substance of the treaty. It is an empty gesture, and engaging in surplusage by way of addition to the preamble, to add language to the preamble which could in no way change its legal effect. The constitutional processes are clearly written into this treaty, when it requires the approval of the United States to amend it by ratification.

I do not know why we should encumber this treaty with what I consider to be an unnecessary adding of language to the preamble which could in no way change the meaning of the treaty.

Furthermore, if we wish to reassert what in my judgment constitutional scholars all recognize to be the case, anyway—to call attention once more to the fact that treaties must be ratified in accordance with our constitutional processes—Senators should introduce a resolution to that effect, and pass it. Why hitch it to this treaty?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I wish to make it very clear, because it apparently is not clear, that this is not an amendment to the preamble of the treaty. This is a preamble, and there was not any before. The Senator from Georgia has offered this. This is a preamble to the resolution of ratification. It will not become a part of the preamble to the treaty, which is a separate instrument. This is the distinction I was trying to make.

16836

CONGRESSIONAL RECORD — SENATE

September 23

I do not understand why the Senator should take this too seriously. I could go along, in a sense, with the thought that it is surplusage, since I believe it is generally understood—certainly it is so understood by me—that any amendment to the treaty must have the approval of this body.

I want to make it clear that this is not an amendment to the preamble of the treaty itself. That stage has passed. It is no longer in order to do that. This is simply a preamble in itself, self-contained, offered by the Senator from Georgia, which will not become a part of the treaty. It will not be sent to any foreign country.

In a kind of curbstone opinion, I say that this is a treaty between the U.S. Senate and the Executive Office of the Presidency, as our understanding of the Constitution.

I hope the Senator from Oregon will not really vigorously oppose this. It will not do any harm, even though it only reiterates the provision of the Constitution.

Mr. MORSE. Mr. President, will the Senator yield me another 2 minutes?

Mr. FULBRIGHT. I yield 2 more minutes to the Senator from Oregon.

Mr. MORSE. I say to my good friend the Senator from Arkansas that I meant every word I said last Wednesday—and I repeat them all by incorporation by reference at this time—about the great leadership of the Senator from Arkansas in taking this treaty through the Senate, which is one of the most masterly performances in the handling of legislation I have seen in my many years in the Senate.

However, that does not make it necessary for me to agree with the Senator, when I respectfully believe he is wrong. I believe the Senator from Arkansas is wrong in this regard. The Senator believes this would not have to go to the other countries. I tell the Senator that as soon as the vote is taken, in a few minutes, it will go around the world to every country. We cannot control the interpretations which will be made of our actions this afternoon, because this will go to many countries which do not understand our legislative process. So far as many parts of the world are concerned, interpretations will go around the world that we have changed the treaty, because we did not take the treaty in exactly the form in which it came to the Senate, but adopted language in what we call a preamble.

In my judgment, it is surplusage. It is not necessary. I will tell Senators where the language ought to be included. It should be included in a separate resolution in no way connected with the debate on this treaty. If what Senators wish is a reaffirmation in the year 1963, a replying to the constitutional process with regard to treaties, I am willing for the Senate to make the pledge, but I do not consider this a proper vehicle for the pledge. It is unfortunate that it is being voted upon in connection with any vote involved in the ratification of the treaty, and I shall vote against it.

Mr. DIRKSEN. Mr. President, there was a discussion of this matter with the distinguished Senator from Georgia, and

it was agreed that this was proper procedure.

I could say to the Senator from Oregon that if there is any fault to be found, it is the fault of this continuing body, in some distant period, for failure to take action in the form of resolutions expressing the sense of the Senate; that any treaty ought to carry these little safeguards, in the kind of language that lets our constitutional processes take effect.

The Senator has submitted for the Record the fact that the NATO treaty carries the language "by our constitutional processes" and the United Nations treaty carries the language "by our constitutional processes." There has been no inconsistency about it. If the fault lies anywhere, it lies in the Senate for not having done something about it in a treaty, if it contained a preamble, to make clear to all the world that our constitutional processes shall be followed.

I have agreed to this. I think it is all right. The preamble has a proper place. I have grave doubts that there can be a misinterpretation of it, for after all, other countries know a good deal of our legislative and constitutional processes. So I think it is proper that it is here proposed.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MORSE. It was not necessary to have the language in the United Nations Charter Treaty that the Senator referred to. It was not necessary to have the language in the NATO Charter Treaty. The constitutional process provides for whatever steps would have to be followed, anyway. So far as the language is concerned, it is surplusage to these treaties.

The fact is that the treaty before the Senate did not come before the Senate with that language in it. Now when we go through the exercise of devising some language to add to a preamble, we are bound to raise the question, "Why did they do it?" If the desire is to repledge ourselves to the processes of the Constitution, let us do it by a separate resolution. Why hitch it to this treaty?

Mr. DIRKSEN. The Senator from Oregon need not argue that point with me. I was not in this body when the U.N. Charter was ratified. I was not here when the NATO Charter was ratified. That was done by the Senate before my time, but a precedent, a pattern was set. Of course, in the schools of law—the Foreign Service schools and elsewhere—the professors look at it and say, "It was done before. Why is it not done now?" The Senator from Oregon, being an erudite law professor, knows that.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. DIRKSEN. I yield.

Mr. MORSE. I have never argued, and never will, that surplusage creates a precedent.

Mr. DIRKSEN. I do not argue that. It is only by way of being consistent with other important treaties. That is the only thing we sought to accomplish in agreeing to a modification.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. DIRKSEN. I yield.

Mr. MORSE. There is no basis for an argument on consistency unless we are talking about a matter of substance that justifies consistency. There is no matter of substance involved. Therefore, there is no argument for consistency because the Senate added surplusage to a previous treaty. We ought to do it by separate resolutions.

Mr. DIRKSEN. I point out to the Senator that this proposal does not add language to the treaty. The Senator from Oregon makes that mistake. The Senator from Arkansas, who is handling this bill, has pointed out that this is a preamble to the resolution of ratification, and not to the treaty.

Mr. MORSE. Then I would respectfully suggest to the Senator that we avoid the confusion that is going to be created in country after country as a result of this exercise. I suggest the Senator introduce a separate resolution—which will not have to do with this treaty in particular—and submit it to the Senate some time in the future, replying ourselves that we will always make certain that a President of the United States follows the constitutional processes in connection with the ratification of a treaty.

Mr. DIRKSEN. In all good grace, I am not confused, but I suggest that the Senator is trying to compound confusion with another resolution. Let us get this one out of the way. Then if the Senator feels it necessary to offer a resolution, I am sure the very committee on which he sits will give it consideration.

Mr. MORSE. We will eliminate all the confusion if the Senator will just eliminate the preamble to the resolution.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. DIRKSEN. Yes; I yield.

Mr. KEATING. With the utmost respect for the Senator from Georgia, it strikes me that this is an extreme example of works of supererogation.

Mr. DIRKSEN. Supererogation?

Mr. KEATING. Yes.

Mr. DIRKSEN. Will someone look that up? [Laughter.]

Mr. KEATING. I will endeavor to explain that word to the Senator. It means superfluity or surplusage. I had always supposed it was basic constitutional law that if any change was made, the change would constitute a new treaty and would have to come before the Senate for ratification.

But now I address myself to the distinguished Senator from Oregon: I find myself in complete agreement with his analysis of the situation except I do not really see any great harm in putting this language into the resolution of ratification as a preamble. It does not worry me as much as it seems to worry the Senator from Oregon, even though I am in complete agreement regarding his views on the lack of necessity for any such preamble. Will the Senator address himself to that point?

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from Oregon [Mr. MORSE].

1963

CONGRESSIONAL RECORD — SENATE

16837

Mr. MORSE. I sought to make clear why it was a mistake. I think it is an unnecessary exercise of adding surplus language to the debate and the ratification of the treaty, and I think it would be confusing elsewhere in the world. I do not think we ought to do it. I think we ought to pass the treaty without a preamble to the resolution. Then if the Senator wants to offer a resolution on the basis of what the Senator from Georgia has stated, let him go ahead and do it. I do not agree that there is no harm in connection with the ratification of the treaty.

Mr. KEATING. We are dealing here with a resolution of ratification, and it is not something that will go back to the other signatories to the treaty. The treaty will go back to them, and we shall not have touched the treaty in any way. This is our way of saying we approve of the treaty. Therefore, I am not sure that we are not overly worried about the preamble.

I have opposed all other proposals because I did not think they were needed, and I think some of them might be harmful, but this seems to me to be of a somewhat different character.

Mr. DIRKSEN. Mr. President, I think I should point out, because we checked this matter in our discussions with the distinguished Senator from Georgia, that the preamble is not circulated as a part of the treaty. Obviously, it receives press coverage, but officially it is not circulated. Therefore, I doubt very much that the confusion the Senator from Oregon envisions would ever take place.

Mr. KEATING. Mr. President, with reference to the "whereas" clause—and this is a whereas clause—when I served in the Judiciary Committee in the other body, we always struck out the whereas clauses because they do not mean a thing. They are not a part of the operating resolution or of the treaty.

This is the reason for my relative lack of concern about it. I am concerned because the Senator from Oregon is concerned, because he is a distinguished lawyer; but I am not sure that I share the extent of his concern because it is not really a part of the treaty to be ratified.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MORSE. I tried to make clear that I realize this language does not have to go back to the signatory nations, but the issue before us is simple: Two-thirds of the Members of this body agree to the substance of the treaty. We think this treaty in substance should be ratified. We know two-thirds will do so. I think we ought to ratify the treaty without adding anything to it, even though I recognize that we are not adding anything to the substance of the treaty, and even though I recognize that we are not adding to the preamble of the treaty. But we are taking action that will be interpreted differently in many parts of the world, particularly in nations that may not be friendly to us, who do not like us, and who will say, "Oh, yes; they could not ratify it without making some changes."

"They could not take it along with the other hundred signatories; they had in some way to pass some language that made some difference to them in regard to the treaty."

I do not believe that is good psychology so far as our international relations are concerned. If we think it is a good treaty, we should adopt it without adding any resolutions or amendments, or any additional language in the nature of a pre-preamble to a preamble.

Mr. DIRKSEN. I am informed that "superarrogance" means to behave with excessive arrogance. I have promised to yield 5 minutes to the Senator from New York.

Mr. JAVITS. I promise in what I have to say I will not be excessively arrogant. I shall vote "no" on the pending proposal. I realize that an arrangement has been made, and that undoubtedly it will carry.

I do not intend to dwell on the question of how many angels can dance on the point of a needle, but, rather, on the fundamental, substantive question involved in the proposal before the Senate. I have a clear idea on it. In good conscience I believe the Senate should understand why I believe it is making a mistake.

There is a pattern of organization in anything we do. The pattern here, apparently in the whole Senate was committed in a series of votes on the question of whether it will take the treaty as it is or leave it. Even the distinguished Senator from Arkansas, who is in charge of the treaty, said, "I hope this resolution will not be loaded down with understandings, or anything else."

The essence of my argument is that it is agreed by all that the President of the United States can use nuclear weapons in defense of the United States, that he will agree to continue underground testing, that he will maintain our ability to test in the atmosphere, and that he will maintain that ability in a state of readiness. That right is not prohibited by the treaty.

Furthermore, we have the constitutional right and duty to approve any amendment. If any President does not send such a reservation to us, he is a tyrant, and should be impeached.

In fairness to the 33 Senators who voted to include an understanding about the use of nuclear weapons for the defense of the United States, which I believe to be as important as the proposed restatement of constitutional power, I cannot say to them, in good conscience, "I voted 'no' on your understanding, but I will vote 'yes' on this understanding."

At the very least, this is not more important. The important point is that we all realize that the Constitution is the supreme law of the land. It is superior to the law that is a treaty. We understand that. Therefore whether we accept what we do about constitutional processes in respect to the treaty, or do not, it is the Constitution which is superior to the treaty, although the treaty is domestic law in the United States as well as being a binding commitment in our relations with other nations.

That is the total scheme before us.

The Senate has agreed, in vote after vote, that this is one case in which we should not try to write understandings into it.

The President has said to us, "Consider this treaty and vote 'yes' on it, as it is." We should not give anyone any ground for saying, "The Senate is acting as it did with the League of Nations; it is attaching something to it." Let us take it flatly as it is. Let us not change it in any way. We have gone along with it up to this point. Why change it now in a preamble, which, everyone agrees, does not mean anything anyway?

It would be a great mistake to adopt the proposal, and it would certainly be a disservice to the sincere Senators who voted as they did in proposing other understandings, which the Senate rejected. I see no difference between this proposal and the others. Some of the others went to the fundamental question of the preservation and survival of the Nation. To adopt the pending proposal would mean that we were writing something into it which defied the scheme under which we agreed with the President.

The President has said to us, "This is one treaty on which I want you to say 'Yes.' I will give you all the solemn assurances that can be given by the Presidency."

We took them all, except this one, apparently. I cannot see the difference. If the President is right, we should turn this proposal down. If he is wrong, then we should have adopted almost every one of the other proposals in the form of understandings which were proposed today.

The Senator from Georgia [Mr. RUSSELL], with his customary candor and breadth of mind, has said he does not care what happened to the others; this is the one he wants to tie down.

Mr. RUSSELL. The Senator should not misquote me. I did not say that. I supported the others.

Mr. JAVITS. I accept whatever the Senator says. The others are no precedent, but the Senator from Georgia is interested in this one. He first had it in the form of an understanding. The Senator in charge of the treaty said he would take it as a preamble. Therefore, it is now before us in the form of a preamble. The juridical act of depositing, wherever it needs to be deposited, will not change the notice it will give to the world of the resolution and what it contains.

I predict that it will give the Russians, in a few days, a few months, or a few years, the opportunity to shake this provision in our face at the U.N. and say, "We are allowed to do what we propose, because the U.S. attached this preamble, this understanding, this reservation to the resolution of ratification of that treaty."

Therefore, the preamble should be rejected by the Senate.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I do not know that I can do any more than I have. First, when this matter came up I consulted the best authority in the Government on this subject. I was advised that a preamble to the reso-

16838

CONGRESSIONAL RECORD — SENATE

September 23

lution is not circulated; it does not give to Mr. Khrushchev or anyone else an opportunity to respond by saying, "We want a reservation or understanding."

This is not an understanding or a reservation to the resolution itself. The best authorities in the State Department, Mr. Bevans and Mr. Chayes, have assured us that this would not give the Russians an opportunity to say that we have in any way weaseled or changed the meaning of the treaty.

The reason why I objected to an understanding is that it goes to the body of the resolving clause of the resolution of ratification. The Senator from New York is a good lawyer, certainly a much greater lawyer than I am; he has been the Attorney General of his great State; he has had long experience. I am basing my position not on my views, but on the opinions I sought from the best authorities in our Government in the treaty field. That is why I believe it is quite different. This is not circulated officially. Of course, they will read about it in the newspapers, but it is different. It does not provide the opportunity or the occasion to respond by saying, "We say this is not merely an understanding; it is a reservation." That is what could be said about any of the other proposals offered today, dealing with the resolution itself. This is a distinction which is recognized by our own Government. We therefore do not circulate it. That is why I believe it is acceptable. It is an understanding between us, as the Senate, and the Presidential office. I do not deny what the Senator from New York and the Senator from Oregon said about surplusage, because I accept the Constitution. However, I do not see that it does any harm.

The Senator from New York [Mr. KEATING] said he did not see any great harm in it. The Senator from New York [Mr. JAVITS] should not take it so seriously. This is not an amendment to the preamble to the treaty. This is a preamble of its own. It is not unlike the separate resolution suggested by the Senator from Oregon. It is attached here because we could see no harm in it. The authorities in the State Department that I have consulted see no harm in it, or as giving an opportunity for any other member of the treaty—there are some 99 now—to raise any question about the wholehearted and unqualified endorsement of the treaty by the Senate.

Mr. JAVITS. What motivates or concerns me—and I am not impassioned about it; if I seem to be, it is because, as the Senator knows, I always throw myself into how I feel about what I am doing—is the equality of reliance upon the various things upon which we are relying.

My whole argument is based upon the fact that, speaking for myself, I want the same equality of reliance upon every particular commitment made in the name of the President—and there are quite a few, apart from this one.

The President said in his letter of transmittal that, of course, amendments would be submitted to the Senate. He said a great many other things in his letter to the Senator from Illinois [Mr.

DIRKSEN]. I shall rely upon all those statements in casting my vote on the treaty. I do not wish to pick out one and say, "I shall write this in somewhere, but not the others." I want to place equal reliance upon every commitment the Presidency has made with respect to the treaty.

Mr. FULBRIGHT. Would not the Senator agree that this provision as a recitation of what is provided in the Constitution is different from any other proposal?

Mr. JAVITS. No; and I will tell the Senator why it is not. Especially in the last provision, as to the use of nuclear weapons and definite action, we are dealing with the power of the President who, as Commander in Chief under the Constitution, has power of the same quality as that of the Senate, which has the power to advise and consent to treaties proposed by the Executive. Whatever may be the analogy as to other understandings, certainly the analogy is clear as to the one understanding that was offered and got the biggest vote in the Senate—and a very respectable vote, I must say.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HICKENLOOPER. The proposal now before the Senate, the preamble to the resolution of ratification is not only a completely proper declaration of the powers that most of us believe to be lodged already in the Senate under the Constitution; it is a perfectly proper declaration of principle at this time. It does nothing whatsoever to the sensibility of the treaty. It does not affect it in the least.

Some of us believe profoundly that the President has no more authority in the final complex of the accomplishment of the treaty than has the Senate. I said a few days ago that, so far as my view is concerned, the President has no authority to bind this country under the treaty until he has received the advice and consent of the Senate. That makes the Senate at least an equal partner in responsibility. The Senate has not only a perfect right but also the duty, if it believes it to be a safeguard of the constitutional principles, to make this declaration clear, in case there should be any doubt that any future amendment to the treaty which the Senate might be called upon to authorize in the first place, prior to its execution, is just as fundamental and sound and goes just as deeply to the principles involved in the treaty. It is a safeguard that any amendments will be submitted for the advice and consent of the Senate. The Senate has equal responsibility with the President. I am not willing to say that the President's authority in the treaty-making field rises any higher than the authority of the Senate, because the Constitution places that authority there.

Not only do I see nothing wrong with the proposal; I think it is added assurance in the instrument of advice and consent. It is added assurance that amendments to this very document, which will be approved and will be accomplished, will be given the same treat-

ment as the Constitution contemplates for the original document itself. Therefore, I hope the proposal of the Senator from Georgia will be adopted. It is sound and proper.

Mr. HOLLAND. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. How much time does the Senator desire? Three minutes?

Mr. HOLLAND. Three minutes.

Mr. FULBRIGHT. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. First, I strongly commend the distinguished Senator from Georgia for having proposed the inclusion of the preamble. He is on sound ground in his effort to make certain that the rights and responsibility of the Senate are recognized and are called to the attention of other signatories to the treaty.

Not all of us have the advantage that distinguished former deans of law schools and distinguished former attorneys general of our great States have, but most of us have considerable contact with people.

I believe it will be assuring to the people of the country to know that, instead of leaving article II, as it now is, to provide that amendments shall come into force when the instruments of ratification are filed, the constitutional responsibility of the Senate will be properly discharged before an instrument of ratification is executed and deposited.

Every Senator knows that there are in the country people who think Executive agreements have been too much used and Executive orders are being too much used. Every Senator has received letters on this subject.

We are not legislating in a goldfish bowl, in the sense that we completely insulate ourselves from others, for we are aware that the whole Nation and the world can look at us. It will be comforting to our own people to know that a commanding voice in the Senate has been upheld by a strong majority of Senators who insist that at this time the jurisdiction of the Senate shall be called to the attention of the world. Full consideration must be given to the Senate's position on all amendments—any amendment, no matter how small or how great—before ratification occurs. I am sorry that we did not adopt the previous amendment, which was submitted by the Senator from Texas [Mr. Tower], because it would have helped to clarify public understanding, not only in our own country, but also on the part of the rest of the world, with reference to the use of nuclear weapons in time of war, or in our defense if need be. We have that right, regardless of whether we exercise good judgment in calling it to the attention of our people and the rest of the world, or whether we put ourselves in the strongest position, by adopting the amendment—which I think we should have done.

I congratulate the Senator from Georgia. I also congratulate the leaders on both sides of the aisle, and particularly for having accepted the preamble. It strengthens public confidence. I congratulate the chairman of the commit-

1963

CONGRESSIONAL RECORD—SENATE

16839

tee. I only wish he had been so affable in respect to the other matter the Senate considered a little while ago. But I hold no grudge. I think the Senate would have been in a stronger position if it had adopted the previous proposal; but I am glad it is acting as it is on this one, so that all the world will know that the Senate now calls attention to the fact that it will be a coequal partner in approving any amendment, whatever it may be, that in the future may be submitted to this particularly meaningful treaty.

Mr. FULBRIGHT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 8 minutes remaining; the Senator from Georgia has 10 minutes remaining.

Mr. FULBRIGHT. Mr. President, I yield 5 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I suppose I could be charged with supererogation, after the full discussion of the Senator from Georgia's preamble. I do so for the reason that it has been suggested by several Senators that there might be something contradictory in having voted against the understanding offered by the Senator from Florida [Mr. HOLLAND] and the Senator from Texas [Mr. TOWER] and in voting for the preamble offered by the Senator from Georgia [Mr. RUSSELL].

I do not believe there is any conflict at all. The Senator from Georgia has stated the case very clearly. The understanding offered by the Senator from Texas [Mr. TOWER] and by the Senator from Florida [Mr. HOLLAND], dealt with the constitutional powers of the President—his wartime powers. We cannot add to or diminish his power, and the treaty cannot. In this case we are dealing with the powers of the Senate, and that is all; and I see a clear distinction.

I have made up my mind about the treaty, and have assured myself, but I cannot assure myself about any future amendments; and if I felt that the Senate could not pass on future amendments in the same way, I could not vote for the treaty. The preamble confirms the right of Senate to do so.

Mr. MORSE. Will the Senator from Kentucky yield?

Mr. COOPER. I am glad to yield.

Mr. MORSE. The Senate cannot add to or detract from the constitutional power of the Senate, either. It is already provided in the Constitution, and is implied in the treaty.

Mr. COOPER. The President has expressed his view as to what he would do with his powers as Commander in Chief. We express our views about the power of the Senate to advise and consent to any amendments.

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). The time of the Senator from Kentucky has expired.

Mr. KEATING. Will the Senator yield time to me? I wish to clear up a question.

Mr. RUSSELL. Mr. President, how much more time do I have?

The PRESIDING OFFICER. The Senator from Georgia has 10 minutes remaining.

Mr. RUSSELL. I am glad to yield to the distinguished Senator from New York. I believe we can even clear up the supererogation. [Laughter.]

Mr. KEATING. Mr. President, the word "supererogation," as used in relationship to the remarks of the Senator from Georgia, is spelled "s-u-p-e-r-e-r-o-g-a-t-i-o-n," not "s-u-p-e-r-a-r-o-g-a-t-i-o-n."

The distinguished Senator from Illinois would understand that distinction, because "supererogation," as I used that word, means "the act or fact of supererogating"; and to "supererogate," as that term is defined, means "to perform in excess of what is required, or to expend above or in addition." I state to the Senator from Georgia that it was in that sense that the word was used, and certainly not as relating to any form of arrogance.

Mr. RUSSELL. I understood the Senator to use the word in the way all the intelligentsia do—to designate something surplus or not necessary.

Mr. KEATING. That is correct.

Mr. RUSSELL. That is the way I understood the Senator to use it; and I am glad in that my understanding of the use of that word comes close to its use by the intelligentsia.

Mr. President, I wish to proceed for 2 or 3 minutes. The Senator from Oregon and the Senator from New York have said this preamble could only have the effect of confusing other countries. But, Mr. President, if there is in the minds of the officials of any of the approximately 100 countries that have signed the treaty any doubt that the Senate will have an opportunity to pass on these amendments, this is the time to clear up any such misunderstanding, rather than to wait until after they have followed the amendment process of article II and have approved the amendment by majority votes, and the instruments of ratification by the majority have been deposited with the depositaries, and then have the Senate say "We demand the right to advise and consent." Instead, we should act now to clear up any such misunderstanding of the constitutional function of the Senate with respect to treaties and with respect to all amendments to treaties.

We need not do this for the benefit of students of our constitutional system, many of whom are to be found in the chancelleries of all the nations of the earth, particularly those interested in our mutual-assistance or foreign-aid programs. All students of that subject study our constitutional division of powers; they know the requirement of the "advice and consent" clause. However, it would be best for the Senate to clear up this question now.

I do not agree with Senators—although I appreciate their indulgence and support—who say this preamble is meaningless in any degree, because if there ever were in a treaty language that is subject to confusion, I submit to the Senate that article II of the treaty providing the methods of amendment, which are entirely different from any other amendment provision we have ever had, in the United Nations, in NATO, or any-

where else, is more likely to confuse, and we had best clear it up now.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MORSE. There is nothing that needs to be cleared up. We have the constitutional power and have made reference to it in connection with the treaty. We are the ones who are going to create the confusion among people. They do not understand our constitutional processes. We have the power. We stand by the power. We should make it perfectly clear when this treaty is amended, if it ever is, we should make it clear that the President, if he has any doubt about it, that it has to come here for ratification.

Mr. RUSSELL. I submit that the Senator in his short remarks used the words "confusing other countries," "the way other countries will interpret this—no less than four times—I believe we had better clear this up right now."

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

Mr. MILLER. Mr. President, I have an amendment to the preamble at the desk and I ask that it be read.

The PRESIDING OFFICER. I would respectfully request the Senator from Iowa to delay his remarks until we ask the proponents and opponents to the preamble of the Senator from Georgia to yield back their time.

Mr. RUSSELL. Mr. President, I yield back my time.

Mr. FULBRIGHT. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back and the Senator from Iowa is recognized.

Mr. MILLER. Mr. President, I ask that the amendment be read.

The LEGISLATIVE CLERK. Amendment to preamble proposed by Senator RUSSELL, by striking the last two lines and inserting in lieu thereof the following:

Whereas amendments to treaties are subject to this constitutional provision; and

Whereas the Secretary of the Senate following ratification of the treaty by the Presidium of the Supreme Soviet is instructed to return this resolution to the President of the United States for appropriate action: Now, therefore, be it

Mr. MILLER. Mr. President, I yield myself 7 minutes. For the convenience of Senators, let me point out that this is an amendment to the preamble proposed by the Senator from Georgia [Mr. RUSSELL].

Mr. President, we have a wedding in store. At least we think we do. The wedding date has been set for 10:30 tomorrow, and the wedding feast has been arranged, and the frosting is being put on the cake this afternoon. The trousseau has been bought, the best man and the maid of honor have been selected, the preacher and the church have been named, but the big question still remains: Is there going to be a wedding?

Two weeks ago today I asked the distinguished chairman of the Foreign Re-

September 23

16840

CONGRESSIONAL RECORD — SENATE

lations Committee some questions on this point. I pointed out that article III of the treaty, section 2, provides that the treaty shall be subject to ratification by signatory states, and instruments of ratification and instruments of accession will be deposited with the governments of the original parties. I pointed out that section 3 provides that this treaty shall go into force after its ratification by all the original parties, and with the deposit of the instruments of ratification. As of September 9 we were advised that in the Soviet Union all of the appropriate committees had given their unanimous approval to the treaty, but the Presidium of the Supreme Soviet had not yet ratified it. Here we are on September 23, and the Presidium has not yet ratified it. Obviously the Presidium is not in any great rush to do so. I believe that most of us expect that the Supreme Soviet Presidium will ratify the treaty. There are some present who believe that there is not a chance in a thousand but what the Supreme Soviet Presidium will ratify it.

But, Mr. President, there are weddings in which the bride has been left at the church, or the bridegroom has been left at the church, and I do not wish to see this happen here. I believe we should nail it down.

All my amendment to this preamble provides is that after the Senate ratifies the treaty the Secretary of the Senate will return the ratified treaty to the President of the United States after the Presidium of the Supreme Soviet has ratified the treaty. The treaty still will not be in effect because it will have to be deposited. I am not particularly interested in whether we deposit our treaty in Moscow first or they deposit their ratified treaty in the United States first. That is a question for the executive branch of the Government to decide. But I am not so sure that we ought to release the ratified treaty until the Presidium of the Supreme Soviet has ratified it.

I should like to ask the Senator from Arkansas [Mr. FULBRIGHT] how long we shall have to wait? We hope and trust that the treaty will be ratified by the Presidium tomorrow. But if a month or 2 months go by and there has been no ratification by the Presidium of the Supreme Soviet, what shall we do? I grant that there will be no great chance that this will happen. But we do not know, and when we are dealing with the Soviets we had better be very sure to nail things down. It is not very difficult for me to envision a situation in which, after the lapse of a month or two, a certain amount of anxiety around the world might have grown up over the failure of the Presidium of the Supreme Soviet to ratify the treaty. About that time, perhaps, a little pressure would be exerted by some of the spokesmen for Mr. Khrushchev about possibly getting into some serious negotiations about an East-West pact, which he has said he expects to follow on this treaty.

How long will that condition continue? Will it continue until next spring? Thirty days? Sixty days? Will the treaty be "on" or "off"? It would

not be exactly "on", because it would not have been ratified. But would the President of the United States ask for a deposited copy of the treaty to be returned to us merely because the Presidium had not ratified the treaty within 30 or 60 days? Would we ask the President to return it to the Senate because it had not been ratified by the Presidium? What would happen with respect to the Joint Chiefs of Staff "safeguards" in the meantime? Would they go into effect as soon as the treaty was ratified by the Senate, even though it had not been ratified by the Presidium of the Supreme Soviet? Those are questions that need answers. I do not believe there is a Senator who knows the answer.

There is one way to provide an answer, and that is to insert the language contained in my amendment to the preamble of the Senator from Georgia. The treaty would be approved first. We do not care whether the Presidium ratifies it tonight or tomorrow. We will approve it first. But we wish to see them ratify the treaty next, before we place our documents on deposit in Moscow. I cannot see anything wrong with that procedure at all. I believe that such a provision should have been written into the treaty at the time of the negotiations.

Any Senator who has ever been interested in disposing of property knows that he would not leave an open-end deal for somebody to accept. We say, "We offer to sell this property to you for so much, and you had better accept the proposal within 30 or 60 days."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MILLER. Mr. President, I yield myself an additional 2 minutes.

The law may provide generally that the offer is not a continuing offer, but must be accepted within a "reasonable time." That is fine. What is a "reasonable time"? I do not believe we ought to have to figure that one out when we can write a safeguard into the preamble.

Mr. President, I support the preamble of the Senator from Georgia. At the time I offered my reservation, I was concerned about the very thing that the Chairman of the Committee on Foreign Relations was concerned about, and that is cluttering up the Resolution of Ratification with something else. I do not think it should necessarily confuse other countries, but if that is the feeling of the best minds on the subject, I certainly do not wish to confuse the situation.

Obviously the Senator from Georgia felt the same way. He devised the pre-approach. I think that is the approach which I ought to use on my proposal because, as has been pointed out, it would be merely a sort of contract between the executive branch and the legislative branch with respect to the way the treaty, once ratified, would be handled. We would send the treaty back to the President when the Presidium of the Supreme Soviet ratified it. What the President would do with the treaty would then be entirely up to him.

Mr. President, I reserve the remainder of my time.

Mr. RUSSELL. Mr. President, will the Senator yield 5 minutes to me?

Mr. FULBRIGHT. I yield 5 minutes to the Senator from Georgia.

Mr. RUSSELL. The Senator from Iowa was kind enough to discuss the subject with me. I regret that he has seen fit to offer his proposal in the nature of an amendment to the preamble that I have proposed to the treaty. It could only confuse and endanger the prospects of adoption of the preamble that I have suggested. I do not see that adding that language to the preamble would add anything to the strength of his proposal. The distinguished Senator knows he can make his offer tomorrow after the treaty has been ratified and under the normal processes, that is, when the preamble would be offered.

The only reason the amendment is offered at this time is that the distinguished majority leader, obtained unanimous consent—and Senators will find it on their copies of the executive calendar—that the preamble to be offered by the Senator from Georgia may be considered on Monday after all reservations, understandings, and amendments have been disposed of. Ordinarily such an amendment to the preamble as I have offered would come up following approval of the resolution of ratification. I hope that the distinguished Senator will not endanger the adoption of the preamble that I have proposed by insisting on his amendment.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MILLER. Certainly the Senator from Georgia does not expect the Senator from Iowa to try to endanger something that the Senator from Iowa endorses. But I suggest that the Senator from Georgia might secure even a little more support for his preamble if my amendment were adopted, because the Senator from Oregon [Mr. MORSE] and the Senator from New York [Mr. JAVITS] have indicated that in their judgment the preamble offered by the Senator from Georgia is meaningless; whereas my amendment is not meaningless at all. It is a matter of substance. It is strictly germane.

Mr. RUSSELL. It may be germane, but I am sure that the Senator from Iowa is not deluding himself with any idea that the Senator from New York [Mr. JAVITS] or the Senator from Oregon [Mr. MORSE] had the slightest idea of supporting my proposal or any other amendment that would dot one "i" or cross one "t" in the treaty or in the resolution of ratification.

I wish the distinguished Senator would withdraw his proposal and offer it as an independent amendment to the preamble after the treaty has been ratified.

Mr. MILLER. Mr. President, will the Senator yield so that I may ask the majority leader a question?

Mr. RUSSELL. Mr. President, I yield the floor.

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, that time was promised to me when the Senator from Georgia had concluded.

1963

CONGRESSIONAL RECORD — SENATE

16841

I intended to make a motion. I yield to the Senator from Iowa for a question.

Mr. MILLER. I would appreciate it if the Senator would do so. It might save some time.

Mr. MANSFIELD. I intend to move to table the amendment of the Senator from Iowa to the preamble. I should like to say, in all honesty, that this is the only time that the Senator from Iowa will have an opportunity to offer his proposal.

Mr. MILLER. Will the Senator please repeat his statement?

Mr. MANSFIELD. This will be the only time that the Senator from Iowa will have an opportunity to obtain action on his proposal. Under the procedure which is now in force, once the instrument of ratification is voted upon, that will be the end.

Mr. MILLER. Mr. President, I should like to ask the distinguished Senator from Georgia whether or not he concurs in that statement, because I understood him to ask me to relinquish my amendment so that action could be taken on it tomorrow. Now the majority leader tells me I cannot do so.

Mr. MANSFIELD. The Senator is correct.

Mr. MILLER. I wish this question could be cleared up so that I would know what to do.

Mr. RUSSELL. Mr. President, as an ordinary proposition a preamble can be offered only after the resolution of ratification has been adopted. I had not given consideration to the possibility that, under parliamentary procedure, if a preamble were adopted it would not be subject to later amendment. I have no precedents before me on that question. I would have to address a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. Once the preamble is agreed to, like a resolution, it is no longer subject to amendment.

Mr. RUSSELL. Mr. President, I have misinformed the Senator. Usually a preamble is offered after the resolution of ratification has been agreed to.

Mr. MILLER. Mr. President, I am sure the Senator from Georgia knows that I ordinarily would be happy to co-operate with him, because I would not wish to do anything which he thinks would endanger his preamble; but it appears that I have no choice in view of the ruling of the Chair. I observe that the Senate will be asked to table my amendment. I shall not push for a yea-and-nay vote. I hope that 2 or 3 months from now I shall not meet some of my colleagues in the corridors who will then be saying, "We wish we had put it in."

Senators have an opportunity to do so now. I hope it will never have to be used, but an opportunity is presented now to nail this principle down so that we shall not be faced with pressures from Khrushchev or others, which need never arise if the Senate adopts my amendment.

Mr. FULBRIGHT. Mr. President, I yield back my remaining time.

Mr. MILLER. Mr. President, I yield back my remaining time.

Mr. MANSFIELD. Mr. President, I move to table the Miller amendment to the Russell preamble.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. JAVITS. Mr. President, I move to table the preamble of the Senator from Georgia [Mr. RUSSELL] and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from New York to table the preamble of the Senator from Georgia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Legislative Clerk called the roll.

Mr. METCALF (after having voted in the affirmative). On this vote I have a pair with the Senator from Louisiana [Mr. LONG]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. McGOVERN (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Missouri [Mr. SYMINGTON]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Rhode Island [Mr. PASTORE], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Missouri [Mr. SYMINGTON] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Alabama [Mr. SPARKMAN] would each vote nay.

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from California [Mr. ENGLE]. If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from California would vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent and, if present and voting, would vote "nay."

The Senator from New Mexico [Mr. MECHAM] is detained on official business.

The result was announced—yeas 8, nays 79, as follows:

[No. 166 Ex.]

YEAS—8

Douglas	McCarthy	Pell
Hart	Morse	Young, Ohio
Javits	Neuberger	

NAYS—79

Alken	Fulbright	Moss
Allott	Goldwater	Mundt
Anderson	Gruening	Muskie
Bartlett	Hartke	Nelson
Bayh	Hayden	Pearson
Beall	Hickenlooper	Proxmire
Bennett	Hill	Randolph
Bible	Holland	Ribicoff
Boggs	Humphrey	Robertson
Brewster	Inouye	Russell
Burdick	Jackson	Saltonstall
Byrd, W. Va.	Johnston	Scott
Cannon	Jordan, N.C.	Simpson
Carlson	Jordan, Idaho	Smathers
Case	Keating	Smith
Church	Kennedy	Stennis
Cooper	Kuchel	Talmadge
Cotton	Long, Mo.	Thurmond
Curtis	Magnuson	Tower
Dirksen	Mansfield	Walters
Dodd	McClellan	Williams, N.J.
Domink	McGee	Williams, Del.
Eastland	McIntyre	Yarborough
Edmondson	McNamara	Young, N. Dak.
Ellender	Miller	
Ervin	Monroney	
Fong	Morton	

NOT VOTING—13

Byrd, Va.	Lausche	Pastore
Clark	Long, La.	Sparkman
Engle	McGovern	Symington
Gore	Mecham	
Hruska	Metcalf	

So Mr. JAVITS' motion to table Mr. RUSSELL's preamble was rejected.

The PRESIDING OFFICER. The question is on agreeing to the preamble offered by the Senator from Georgia. The yeas and nays have been ordered, and the Clerk will call the roll.

The Legislative Clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOUGLAS. What question is before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the preamble offered by the Senator from Georgia [Mr. RUSSELL].

The Clerk will continue the rollcall.

The Legislative Clerk resumed the call of the roll.

Mr. McGOVERN (when his name was called). On this vote I have a live pair with the senior Senator from Missouri [Mr. SYMINGTON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. METCALF (after having voted in the affirmative). On this vote I have a live pair with the Senator from Louisiana [Mr. LONG]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore I withhold my vote.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Missouri [Mr. SYMINGTON], are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

16842

CONGRESSIONAL RECORD — SENATE

September 23

I further announce that, if present and voting, the Senator from California [Mr. ENGLE], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Rhode Island [Mr. PASTORE] would each vote "yea."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Virginia [Mr. BYRD]. If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from Virginia would vote "yea."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent and, if present and voting, would vote "yea."

The Senator from New Mexico [Mr. MECHEM] is detained on official business.

The result was announced—yeas 79, nays 9, as follows:

[No. 167 Ex.]

YEAS—79

Alken	Fulbright	Muskie
Allott	Goldwater	Nelson
Anderson	Gruening	Pearson
Bartlett	Hartke	Prouty
Bayh	Hayden	Proxmire
Beall	Hickenlooper	Randolph
Bennett	Hill	Ribicoff
Bible	Holland	Robertson
Boggs	Humphrey	Russell
Brewster	Inouye	Saltonstall
Burdick	Jackson	Scott
Byrd, W. Va.	Johnston	Simpson
Cannon	Jordan, N.C.	Smathers
Carlson	Jordan, Idaho	Smith
Case	Keating	Sparkman
Church	Kennedy	Stennis
Cooper	Kuchel	Talmadge
Cotton	Long, Mo.	Thurmond
Curtis	Magnuson	Tower
Dirksen	Mansfield	Walters
Dodd	McClellan	Williams, N.J.
Dominick	McGee	Williams, Del.
Eastland	McIntyre	Yarborough
Edmondson	Miller	Young, N. Dak.
Ellender	Monroney	Young, Ohio
Ervin	Morton	
Fong	Mundt	

NAYS—9

Douglas	McCarthy	Moss
Hart	McNamara	Neuberger
Javits	Morse	Pell

NOT VOTING—12

Byrd, Va.	Hruska	Mechem
Clark	Lausche	Metcalf
Engle	Long, La.	Pastore
Gore	McGovern	Symington

So Mr. RUSSELL's preamble to the resolution of ratification was agreed to.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the preamble was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is it the understanding of the leadership that this is the last vote prior to voting on the instrument of ratification?

The PRESIDING OFFICER. According to the agreement, that is correct.

Mr. MANSFIELD. The next vote will be tomorrow morning at 10:30 on the instrument of ratification. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. After that vote is taken there will be no further votes, on preambles or anything else, in connection with the treaty. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. The vote tomorrow is at 10:30, and the Senate convenes at 10 o'clock. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SPARKMAN. I thought the vote would come at 11 o'clock.

Mr. MANSFIELD. That was changed later because of circumstances. I remind Senators that a photograph of the Senate will be taken at 10:15 a.m.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. I yield 1 minute to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, this debate has consumed millions of words. I will add only 100 more. We are called upon to make a fateful decision, to weigh the prospect of benefits for all mankind against the possibility of uncertain danger. We cannot foresee the future. The ultimate judgment about this treaty will be made by history. Our judgment now must strike the balance as best we can, based on what we know, what we believe, and what we hope. This treaty is in the best interests of our country, our children, and all who seek a peaceful world. It will have my vote.

Mr. FULBRIGHT. Mr. President, I yield half a minute to the Senator from Wyoming [Mr. McGEE].

Mr. McGEE. Mr. President, as the Senate approaches the vote on the test ban treaty, I would like to acquaint this body with two views on that treaty that appeared in two Wyoming newspapers. Both hold the view, which I too believe, that this treaty represents a step in the right direction and that we are fully capable of protecting ourselves from any risks involved.

I ask unanimous consent that these two editorials, from the Laramie Boomerang and the Wyoming Eagle, be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Laramie Daily Boomerang, Sept. 5, 1963]

IT'S WORTH A TRY

No one now expects that the U.S. Senate will give anything but overwhelming approval to the partial nuclear test ban treaty with the Soviet Union.

In the Senate Foreign Relations Committee's nearly unanimous endorsement of the treaty, there is a clear assessment that whatever risk is involved is one this Nation can take without grave danger to its freedom and security.

It is a judgment which says in effect that if we are not willing to take some risk in order to test Russia's purposes at this stage, we are saying that negotiation is now and perhaps forever a futile device of diplomacy in the cold war.

Obviously we are not prepared to take so adamant and seemingly final a stance.

Soviet motives, in the nature of things, can seldom if ever be entirely clear to us. But we are now measuring motive. We do not have to know all that goes on between the Kremlin and Red China in order to take this test ban chance.

We will be watching Soviet action. There is a strong conviction that if Russia breaks the treaty we will speedily know it and be able to act on our own to prevent Moscow from gaining a critical nuclear military advantage.

It is we who have the great advantage today, and we do not propose to yield it. We will have our guard up, prepared to test in the atmosphere again should the Russians resume.

And beyond doubt, we shall be constantly alert to assure that our massive stockpile of nuclear weapons—called by President Kennedy sufficient to kill 300 million people in 1 hour—remains an effective shield for us and the free world.

This means, of course, keeping the weapons in usable condition—and deliverable over targets.

Military men disagree on ways of assuring this effectiveness. But there would seem to be ample support for the idea that it can be done, notwithstanding the test ban treaty.

Not all our military and nuclear specialists like the treaty. But the Senate Foreign Relations Committee is a sober and responsible body. It listened to the doubts and reservations and yet decided to approve the document. At worst, the committee might in time be proved wrong. At best, this group, the full Senate and all associated with the treaty must recognize that it is not a guarantee of peace, but only a small beginning step down that road.

Up to now there has been almost no traffic on that road. We are simply making ready to try it. We may have to turn back. But, with the stakes so high, the try is one our sanest Senate leaders think we ought to make.

UNWISE, IRRESPONSIBLE

Chairman J. WILLIAM FULBRIGHT, Democrat, of Arkansas, of the Senate Foreign Relations Committee, has warned that any Senate reservations to the nuclear test ban treaty would be unwise and irresponsible.

On the basis of the vast amount of information made available to the public before and during the Senate committee hearings on the treaty, we agree.

The treaty is designed to ban nuclear tests in the atmosphere, in outer space, and underwater. If it can accomplish that, it will be, in President Kennedy's words "an important first step" toward peace and reason and away from war.

There are, of course, risks of cheating and abrogation of the treaty. But President Kennedy and his administration, the Congress and, indeed, the people of the United States are aware of those risks and we will not be caught napping.

Senate action tacking reservations onto the treaty, such as Senator BARRY GOLDWATER's proposal that ratification of the pact be contingent upon Russia's withdrawal of troops and weapons from Cuba, would seem to be unwise and unrealistic for a number of reasons:

1. It would send the treaty back to be renegotiated, giving Russia an excellent opportunity to reject the whole thing and blame it all on the United States.

2. It almost certainly would result in propaganda designed to cast doubt as to our sincerity in wanting a test ban, even though a test ban has long been sought by President Kennedy and by former President Eisenhower before him.

3. It might be interpreted as an admission of weakness. In fact, Republican Leader EVERETT M. DIRKSEN used almost those words earlier this week when he announced he would vote for ratification of the treaty. He described Senator GOLDWATER's proposed treaty reservation as ungermane to the pact and a confession of weakness.

4. It would indicate lack of confidence in the diplomatic and military strength of the United States.

5. While our Government's intention is to force the Russians back out of the Western Hemisphere, it is extremely doubtful this could be accomplished with a no withdrawal-no treaty ultimatum. In fact, such an ultimatum would appear to be based upon the

1963

CONGRESSIONAL RECORD — SENATE

16843

premise that Russia, alone, wants a nuclear test ban treaty. That, of course, is not true. The test ban treaty has been sought by both Republican and Democratic administrations as being in the best interest of these United States.

Mr. HARTKE. Mr. President, I should like to address a question to the distinguished chairman of the Committee on Foreign Relations, of whom I asked a number of questions the other day.

On a visit to my State the other day, one question was uppermost in the minds of my constituents: "Will it be the continuing policy of the United States to do everything it can to eradicate communism and its influence from the Western Hemisphere, including Cuba?"

Mr. FULBRIGHT. There is no question about that whatever. That is the declared policy of all members of the administration, and I am certain it is the sentiment of the Senate. The treaty is in no way affected by it.

Mr. HARTKE. I thank the distinguished Senator from Arkansas.

Mr. BENNETT. Mr. President, tomorrow the tumult and the shouting will die, and everyone of us in the Senate must face and discharge the responsibility toward which we have been marching since the test ban treaty was initiated in Moscow on July 25. Each of us will have come to his "moment of truth" by a different path. Each of us will have developed different interpretations of the ocean of facts and testimony that have been poured out upon us over these weeks. Some had their minds made up before the inked initials were dry. To them, the decision must seem both easy and uncomplicated. Others will still be torn in their minds at the very moment their names are called.

WILL BE RATIFIED

By now the result of the vote can safely be predicted. The treaty will be ratified. But it is fortunate for America that this answer will neither be lightly given, nor will it be unanimous. As one who will vote with the minority in opposition to the treaty, I take comfort in the wisdom of my good friend, Senator MIKE MANSFIELD, whose vote will cancel mine tomorrow. He was expressing a deep insight when he said:

Of course, there are diverse views in this body. I am glad there are. If every Senator were in favor of a treaty of this magnitude, I would then be truly worried.

Unanimity would give the whole world a false impression of America in this time of crisis. There is a great feeling of uneasiness in the hearts of nearly all Americans, including those who most want the treaty ratified. Without the "no" votes that will be cast tomorrow, the existence of these doubts and fears could not be made known to the world.

THEME OF RISK

There is one central and somber theme that runs through this whole experience—the recurring theme of risk. The President introduced this motif in his early speeches; and it has been developed, with variations, in all the testimony, all the interpretive comments,

and in the debate in this body. It certainly is the central theme of this brief statement of mine. Everybody acknowledges that there are great risks involved in this decision. Those who will vote for the treaty seek ways to play these down. Those who will vote no, as I will, have assessed the risks as being greater than the potential benefits.

To me, these inescapable risks fall into five broad areas. I will have time to touch only briefly on each.

First, we must face the many risks inherent in any dealings with Communist Russia—risks which stand out in bold relief against a frightening record of nearly 50 years of ruthless international duplicity. Woven into that record are such threads as these: a godless philosophy; a tragic string of broken treaties which reveal an unswerving policy of opportunistic immorality; a unique approach to negotiation which seeks victory at every conference table rather than the achievement of a common goal through mutual sacrifice; a devious foreign policy built on guile, probing always for weakness, executing over and over again the classic maneuver—two steps forward and one step backward.

ABOUT FACE

In spite of all the contrived atmosphere of new-found cordiality, never have the Russians said one word that could be taken as a retreat from or abandonment of their ultimate goal of world conquest. They quarrel with their Chinese allies as to how best it can be accomplished, and some of us wishfully read into this quarrel an indication of weakness. If weakness there be, it can only be a manifestation of the truth contained in the old couplet:

When the devil is sick, the devil a saint would be;
When the devil is well, the devil a saint is he.

To me the very speed of the Russian about face on the test ban idea and the unseemly haste with which we rushed to Moscow in response make the risk of this particular deal loom greater than any other we have made and later seen repudiated.

Our second risk is in the field of science—the risk that we are consenting to the end of progress in the development of new scientific knowledge which can make nuclear explosions more useful in peace as well as war.

Here I want to quote Dr. Teller's testimony on this point, even though it has been referred to by others. I feel it is so basic to this problem that it cannot be overstressed. He has said:

This test ban has something to do with knowledge * * *. It has something vitally important to do with knowledge concerning missile defense, concerning the vulnerability of our retaliatory forces. I believe that the Russians have acquired this knowledge. I believe that, because they have acquired this knowledge, they don't need any more atmospheric tests, and I believe that is why Khrushchev is willing to sign the treaty at present.

He has knowledge, and he is now willing to stop and prevent us from obtaining similar knowledge.

What we need is knowledge and that is what we don't have. To try to build up our

missile defense forces without proper and complete experimentation * * * that can be performed faithfully and in a relevant way only in the atmosphere, to do without this experimentation is most hazardous.

No underground tests can take the place of the actual tryout.

SHARP CONTRAST NOTED

The rebuttal offered by the President and others, instead of reassuring me, only increases my fears. It assumes that both we and the Russians have come to the end of this road anyway—that the use of nuclear power in developing an antiballistic missile is, to use the President's own words, "probably beyond us, technically."

These words of the President contrast sharply with his position of a little over a year ago, on March 2, 1962. At that time, he indicated that we would not close the doors of scientific inquiry when he said:

If we are to be alert to new breakthroughs, to experiment with new designs—if we are to maintain our scientific momentum and leadership—then our weapons process must not be limited to theory or to the confines of laboratories and caves.

I agree with the sentiment expressed by the President in 1962. I feel that there is an implied defeatism in his new post-treaty stand. Still, such pessimistic words are not surprising; we have heard their like before.

In 1933, Lord Rutherford, discoverer of the atomic nucleus, said:

Anyone who looks for a source of power in the transformation of atoms is talking moonshine.

In 1945, Dr. Vannevar Bush informed a Senate committee that an intercontinental ballistic missile was "impossible."

ANTIMISSILE IS POSSIBLE

The claim that the H-bomb could not be built is perhaps the most pertinent illustration, because it directly involved Dr. Teller. He is now insisting, with the same fervor that brought victory in the H-bomb controversy, that an antimissile system is possible.

I was interested to note, in this connection, that Dr. Teller himself has often been wrong, by his own admission—but almost always when he said something could not be done. His score is much better when he has predicted that something could or would be done—which is precisely the point at issue.

But what of the Russians? Have they given up? Do they believe that it is beyond them too, or did something they learned—and they think we have not—trigger their sudden change of attitude toward the test ban? Do they feel now that they have the key to military superiority regardless of our existing stockpile of nuclear weapons? Do they believe that they can prevent our delivery or explosion of these weapons? This is another area of knowledge to which we may be closing the door at great risk to ourselves.

The third risk grows naturally out of the other two. This is the military risk. To me, the testimony of our military leaders was very significant. When they were questioned about the military risk,

16844

CONGRESSIONAL RECORD — SENATE

September 23

most of them took refuge behind an idea whose expression seemed strange coming from their lips—the idea that possible political gains overshadowed the military dangers. We were asked to take comfort in the promise of safeguards, whose list continued to expand as new questions were raised. This promise of safeguards does not reassure me. It only throws into clearer relief the risks it is supposed to conceal.

RISES OUTLINED

To make a complete list of military risks would mean almost a complete review of all the testimony; but among them I see these: the fallacy of depending on total nuclear megatonnage as a measure of relative strength and improvement; the risk of giving up the ing the factor of technical weapons imbalance for an antiballistic missile breakthrough; and the potential danger to our second strike capabilities. In spite of reassuring words, these risks just will not go away, particularly when we realize that the political arm of the administration apparently did not bring its defense arm into full consultation about the treaty and its risks until after the terms had been agreed upon, leaving the military men to do the best they could with a bad bargain.

This reminds me of the story of the glass of beer. When the bartender asked the proprietor if a customer's credit was good for a glass of beer, the proprietor's question was, "Has he had it?" When answered in the affirmative, the proprietor said, "Then he has to be good for it." The application here is too obvious to require further comment.

The fourth area—and the one with the greatest emotional appeal—involves the risk of fallout. In this case, my feelings regarding risk are reversed. Those who play upon the fears of our people and ignore actual experience are like the blind leading the blind. Dr. Teller and Admiral Strauss have both pointed out that it is possible to test in the atmosphere and still control the fallout.

UNIVERSITY SCIENTIST WRITES

In this connection, I would like to quote from a letter written by a scientist at the University of Utah who compiled data on radio-iodine exposures in Utah. This letter was written because some of his findings have been introduced into this debate in support of the treaty. Since it was circulated to all of Utah's Congressional Representatives, I feel free to quote from it. One paragraph reads as follows:

The use of our data to support the adoption of a nuclear test ban treaty is disturbing to me, and I feel compelled to protest and discourage such use. My opinion is that these data cannot be properly used to either support or oppose this treaty. In a more lengthy article concerning our evaluation of the I¹³¹ incident of last summer (which will appear in the December 1963, issue of the Health Physics Journal) methods are discussed by which future exposures from weapons testing can be adequately controlled. One of these recommendations is not that weapons testing be suspended.

To some Senators, this treaty may seem to be a great and welcome breakthrough in man's age-old search for peace. I wish I could see it that way;

but, to me, the fifth and greatest risk the treaty will create is the effect it will have on our attitude. In the end, our hope for peace may actually be set back. We are being warned against "euphoria," but that is only a pleasant sounding word which few people understand. Even before the treaty has been approved, words are being written and spoken about the great relief we will feel. We are being encouraged to make plans to spend, on peaceful programs, the money we are told will be saved because of the relaxed tensions.

HAVE TO SPEND MORE

Actually, unless all of the safeguards promised by the President are just window dressing, we will have to spend more, not less, in our nuclear laboratories to remain alert. But in the newly created atmosphere, we may not be able to maintain these safeguards; and peace will be jeopardized as a result.

In short, the treaty may prove to be like an exercise in self-delusion. We want peace; we want an end to the risks of nuclear war. But some of us want these so badly that we are blithely—yes, even blindly—ignoring all warnings, even those of the President.

To recapitulate, there are to me five areas of risk that this treaty will enhance, rather than eliminate: First, the risk of dealing with Russia, made clear by history; second, the risk of pinching out our scientific knowledge in this important field; third, the heightened military risk created by the first two risks just mentioned; fourth, the risk of basing a potentially tragic decision on an emotional reaction to the imagined danger of fallout while ignoring the possibility of controlling it; and fifth, the ultimate risk to permanent peace if Russia can develop military strength to match her desire for world domination, while we relax.

LET US NOT IGNORE HISTORY

As we prepare to vote, the lessons of history should bear heavily on our minds, and we should not ignore them. As men and Senators, we have an obligation to see the world as it is, not simply as we would wish it to be. We must realize that, terrible as nuclear weapons are, this awesome source of power held in our hands has helped keep the peace, however shaky. Our nuclear superiority—at worst, our nuclear parity—has purchased time and provided hope, albeit dimly seen, for a world one day to be ruled by peace and justice. Literally, this power has saved and preserved us a Nation, in the face of peril created by those who acknowledge no God, abide by no moral precepts, and follow no dream save that of world conquest.

Because I fear that by approving this treaty we are grasping for the shadow of peace and closing our eyes to the risk of actually losing its substance, I shall vote against consent.

Mr. SALTONSTALL. Mr. President, on September 9, the opening day of debate over ratification of the nuclear test ban treaty, I gave my reasons for deciding to consent to the treaty. Since that time, the debate has defined and circumscribed the basic issues in a far more ob-

jective light than was previously possible in an emotional atmosphere.

The difficulty in evaluating this treaty rests in the fact that we have been confronted throughout by conflicting interpretations and conclusions given by persons of equal stature, prominence, and integrity in the military and scientific communities.

Now the basic issues of a military nature are as follows:

1. HIGH YIELD WEAPONS

Military and scientific witnesses agreed that the accuracy of the missile is of far greater significance in achieving target destruction than is the yield of the warhead. There is doubt whether we would seek to develop this type of device even in the absence of a test ban treaty and the extent to which underground testing would permit us to close the "yield gap" is a matter of public record—up to 60 megatons for aircraft delivery and 35 megatons for ballistic missile delivery.

2. EFFECTS PHENOMENA OF HIGH YIELDS

It has been suggested that we run the most serious military risk by preventing ourselves from investigating nuclear phenomena because our missiles and launch sites might be vulnerable to them. However, those responsible for the design of these systems have stated that they were overly cautious and therefore, have a high degree of confidence in the ability of these systems to survive and operate in a nuclear environment. Moreover, we have devoted a tremendous amount of talent and treasure to the deployment of a wide variety of strategic retaliatory weapons systems so that if one particular system should experience a peculiar, unanticipated vulnerability, we will still possess a sufficient quantity of weapons of a different type in reserve which would not be similarly affected.

3. THE ANTIBALLISTIC MISSILE SYSTEM

The technological problems associated with the antiballistic missile system are staggering.

It is extremely doubtful whether any defensive system can ever hope to cope with the tremendous variety of options available to the offensive systems.

Moreover, in this nuclear age, an antiballistic missile system which is even 99 percent effective is still not good enough. It has to be 100 percent efficient in its protection because of the destructive force of a single warhead which might slip through.

4. VULNERABILITY OF WARHEADS

The various witnesses testified that some, although not all, uncertainties in warhead vulnerability can be resolved by underground testing. For those which cannot be resolved, we will rely on an overwhelming saturation of the defenses.

Our military leaders are highly confident that a sufficient number of our warheads would reach their targets.

5. CLANDESTINE TESTING

We can neither detect nor identify all suspicious events occurring within the large landmass of the Eurasian Continent, within the huge expanse of the seven seas, nor the vastness of space.

One of the four safeguards of the Joint Chiefs of Staff is designed to improve even more our detection and monitoring

1963

CONGRESSIONAL RECORD — SENATE

16845

system of Soviet nuclear activities in all environments.

Moreover, the saving feature of the treaty is the fact our decision to withdraw from the treaty lies solely within our own discretion and cannot be blocked or delayed by requirements for consultations, negotiations, or vetoes.

6. POSITION OF JOINT CHIEFS OF STAFF

The Joint Chiefs of Staff have conditioned their approval of the treaty upon the four safeguards of vigorous underground testing, maintaining modern laboratories, maintaining a readiness to test in the atmosphere and improving our capability to detect violations. We have been assured that these safeguards will be forcefully implemented, and I am certain that the Preparedness Investigating Subcommittee of the Senate will maintain an alert watchfulness over the entire program.

Finally, in my opinion, there is far greater danger to our national security in continued, unrestrained testing of nuclear weapons than there is in the ratification of this treaty. True, this treaty represents a very small step and may, in the final analysis, be of little value, but it is a step which we must take in an attempt to achieve a more peaceful world.

By voting to consent to this treaty, let us earnestly work toward that goal.

Mr. McCLELLAN. Mr. President, until now I have not taken part in this debate, nor have I previously announced my position—how I shall vote—on the issue of approving the test ban treaty.

Since this debate began, I have been occupied with other senatorial duties, possibly matters of lesser importance but which nevertheless, required my attention. These other duties have precluded me from being present in the Chamber as much as I desired during the course of this debate. But, I have read most of the Record and much other material, both in support of and in opposition to the treaty. My preoccupation with other duties, however, is not the principal reason why I have not heretofore made my position known. In fact, I could not make it known, since I only came to a firm decision less than 72 hours ago.

For me, as for many of my colleagues, no doubt, this was not an easy judgment to make. It has been the hardest of any that I have experienced at any time during the 25 years that I have been a Member of the Congress. I can say unqualifiedly that it was my personal desire—my wish—to reach a different conclusion from that which I finally made. I tried faithfully, I struggled purposely, hoping that I could in good conscience vote the other way.

When the treaty was negotiated and announced, except for one reservation only, I had a completely open mind about it. I had no preconceived notion about its merits—whether on that basis it should be ratified or rejected. I approached my consideration of it objectively and diligently, weighing all of the pros and cons, as studiously and conscientiously as my opportunities, intellect, and wisdom would permit.

From the beginning, there were two basic and dominant factors that gave me grave concern. The first was the signifi-

cant and formidable military advantage which Russia would gain; the second, the harmful propaganda or unfavorable worldwide consequences that might result from the Senate's rejection of the treaty.

If we do not recognize, or at least indulge the strongest assumption, that the Soviets have a positive technical and military advantage in this treaty we will disregard reality and proceed on a completely false and, I believe, dangerous premise. The Soviets unequivocally believe that this treaty is in their interest and that it places the United States at a disadvantage. Otherwise, they would not have signed it. In my opinion, the treaty imposes many disadvantages on us and creates risks that prudence and concern for our national interest compel us to reject.

We all know that Russia possesses today the largest, most powerful, and most destructive weapon ever developed by the resourcefulness and ingenuity of man. She has produced and tested this weapon—a hydrogen warhead of up to possibly a hundred-megaton capacity. This, we have not yet done. In that respect, Russia is ahead of us; she has that important advantage. In testing this weapon, she gained technical knowledge and information that we do not now possess and which we may sorely need, but which, under this treaty, we may never be able to acquire. How valuable that information is—how well and to what extent it can be used to the Soviet's advantage—I cannot say. I do not know. Our experts do not know. They have opinions and make guesses, but they do not agree among themselves, and this is an area of peril where I feel we cannot rely upon or trust our security to guesses and to "rough judgments."

I do not think that anyone will seriously question that Russia will continue to have a marked advantage in the field of high yield nuclear testing, while we, without the essential knowledge that such testing would give us, will have to struggle along under a decided handicap.

Furthermore, because we do not have the knowledge and information that high yield nuclear testing would provide, we will be restricted to limited and wholly inadequate intelligence as to what the immobilizing and destructive consequences of high-yield megaton explosions may be on the EMP of our missile weapons system.

Thus, without knowing the extent of the damage that can be inflicted on our installations by a high yield nuclear strike, and without having provided the protection that our system would require to withstand such an attack, we take the risk of having our counter or retaliatory striking ability completely immobilized or destroyed. Moreover, our inability to test in the atmosphere could be critical in our efforts to develop and to deploy a successful and effective antiballistic-missile system, which system may become vital and indispensable to our defense, security, and survival.

In smaller weapons—the low yield field—it is contended that we have superiority, both in quantity and quality.

It is also maintained that by underground testing, which the treaty permits, we can continue to make improvements and technological progress in that field and thereby retain the advantage we now hold with respect to these weapons. That may be true. But what is to keep Russia from catching up with us? She, too, can conduct unlimited experiments by underground testing. Therefore, under the treaty, she is afforded a full opportunity to develop further and to catch up in the category of weapons where she is now behind; while we, under the terms of the treaty, will be barred from testing the high yield nuclear weapons, the category in which we are behind.

I am not at all unmindful, Mr. President, that there are strong and persuasive arguments in favor of ratification of the treaty because of undesirable consequences that may result from its rejection. The United States was one of the original signers of the treaty. Since then, some 100 nations have subscribed to it. If we now refuse to approve ratification, confidence in our world leadership may be temporarily weakened or impaired. Our international prestige may suffer for a while. Rejection will afford Russia a propaganda weapon of which she can make good use.

These and other significant reasons, together with the President's stirring appeal and the strong support for the treaty evidenced in this body, weighed heavily with me throughout my deliberations on this most challenging issue. These considerations were neither forgotten nor disregarded. They were taken fully into account, but I found them inadequate to overcome the compelling objections that have been interposed to the acceptance of this treaty and the manifest risk that we incur by becoming a party to it.

It would be most pleasing and highly satisfying, if I could find it consistent with national safety and security to vote for ratification. But any arrangement or commitment with Communist Russia that requires us to lower our guard or to forego actions that may be indispensable to our maintaining a military posture and readiness sufficiently imposing to provide a deterrent to her ambitious threat of aggression, most certainly is not in the national interest.

Such obligations and restrictions as this treaty imposes on us are not conducive to peace and to the safeguarding of freedom under the conditions that today prevail in the world. We cannot long survive in this struggle if we ever permit Russia to gain a decided overall military superiority. We still have, I believe, the measure of strength and supremacy necessary to provide a deterrent and to afford protection from aggression to us and the free world. I do not want to surrender or lose that position. I want to keep it and to make it even more secure. We cannot and we will not long maintain it if we misplace our trust in those who are avowedly dedicated to our destruction.

Can we trust Russia to keep this treaty? Based on her past performance, the answer must be "No." Nothing in her past actions recommends

16846

CONGRESSIONAL RECORD — SENATE

September 23

her to the confidence and esteem of the freedom-loving and peace-loving nations and peoples of the world. Her record with respect to broken treaties and unkept promises is treacherous and sordid, indeed.

I wish every citizen of this country might study and ponder that record. Although the recitation of breaches of trust and commitments which the Senator from Ohio (Mr. LAUSCHEL) placed in the RECORD last Thursday is only "fragmentary," it is to me overwhelming in probative force and persuasiveness.

In my opinion, Russia will cheat on the fulfillment of her treaty obligations wherever and whenever she chooses. When she deems it to be in her interest, she will violate this treaty without any warning or compunction of conscience whatsoever.

Nothing in this treaty will prevent the Soviets from secretly making extensive preparations for a series of nuclear tests such as those the treaty is intended to prohibit. Having done that, she can resume testing at will.

We could not do that if we in good faith conform to the letter and spirit of the treaty, which we certainly would do. But Russia, on the basis of Communist standards of morality and integrity, would be under no such restraint or compulsion. According to the testimony of our experts, and on the assumption that we would spend hundreds of millions of dollars to keep in a substantial state of readiness for a resumption of testing in the prohibited environments, it would still take from 2 to 6 months after violation of the treaty by Russia for us to make our first test.

There are still other aspects of this issue, and many more facts and arguments which I have not mentioned in these brief remarks, that further demonstrate impressively the wisdom of Senate rejection of the treaty, and project strong reasons why the Senate should reject it. Most of them, however, have already been ably and eloquently presented in this debate by other Senators who share the concern and the views I have expressed. For this reason, I shall not extend my discussion of the question before us by repeating them. Therefore, I wish to close with emphasis on two facts and two conclusions that had much influence on my decision.

First, Mr. President, conceding the "little glimmer of hope" and the "small shaft of light" that others profess to see in this treaty for the reduction of armaments and the lessening of world tensions, these still do not have sufficient force and power to lift this venture above the realm of an unacceptable and dangerous risk which we cannot afford to take.

Second, and finally, Mr. President, if this treaty were between the United States and friendly nations, whose conduct and history warranted our full faith and confidence, we might well make a judgment on the issues involved with fewer apprehensions and with much less caution than we must now exercise under the attending circumstances. I do not regard Russia as a friendly nation. Her announced goals of subjugation and con-

quest are inimical to, and threaten, the future peace and security of the world. We know that in the past the Communist Soviet Government has broken many promises and has repeatedly betrayed international confidence. This should be a lesson and a warning to us. Sometimes I wonder when we are going to learn the true facts of life about communism.

We are here attempting to deal with a government that is so lacking in integrity and honor that she cannot safely be trusted. We cannot rely upon her sincerity of purpose and good faith, and thus be sure that she will keep and perform the solemn obligations of this treaty. There is simply too much at stake for us to take that risk.

Mr. President, I am therefore compelled, most regrettably, to withhold my "advice and consent." I shall vote against Senate approval of the treaty.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. I commend the Senator for the very fine presentation of his ideas with reference to this problem. It is a problem for all of us. His speech is full of logic, commonsense, and proper final analysis. I reached the same conclusion, but I had before me considerable testimony that never has been released. I do not know whether the Senator had an opportunity to read much of it.

Mr. McCLELLAN. I did not have an opportunity to read the testimony that was taken in executive session, but I have studied much of the material about the treaty.

Mr. STENNIS. The Senator certainly has analyzed it well.

Mr. McCLELLAN. I struggled with this decision. I spent two or three sleepless nights trying to bring myself to support the treaty; I say that in absolute candor. I wanted to go along with the majority of Senators, with the President, and with the other great leaders of this Nation who have faith in this treaty and in this arrangement. I wish I could; but I cannot and I do not. So I have no alternative course except to vote my convictions.

Mr. STENNIS. I commend the Senator from Arkansas for his approach and also for his conclusion.

Mr. McCLELLAN. I thank the Senator.

Mr. THURMOND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. MANSFIELD. Mr. President, I yield to the Senator from South Carolina 1 minute.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. THURMOND. Mr. President, I commend the able and distinguished Senator from Arkansas for the clear, concise, and able statement he has just made.

Mr. McCLELLAN. I thank the Senator.

Mr. THURMOND. The distinguished Senator from Arkansas understands the

dangers of communism; and I am pleased that he has made such a fine statement this evening.

Mr. McCLELLAN. I thank the distinguished Senator from South Carolina.

Mr. President, I yield back the remainder of my time.

Mr. THURMOND. Mr. President, proponents of ratification of the treaty have repeatedly brought out in debate that the testimony of the witness, particularly Secretary McNamara and General Taylor, was to the effect that the Joint Chiefs of Staff attach no military significance to the development of a very high yield nuclear warhead.

Testimony of General Taylor and Secretary McNamara does support the implication that the military chiefs have found no military requirement for the development of the big bomb. This testimony was given before the Foreign Relations Committee.

As I have pointed out in debate previously, the Joint Chiefs of Staff have approved a military requirement for a very high yield warhead.

This is stated in general terms in the testimony of General LeMay before the Foreign Relations Committee. At page 350 of the printed record of those hearings, the following appears:

Senator PASTORE. Well, that leads me to this question, of course.

We will be able to test underground, and so will the Russians, and we have superiority in small tactical weapons whereas it is quite admitted they have superiority in the larger yield weapons where atmospheric testing, of course, would be necessary in order to develop them.

Do you see any military need for a 50- or 75-megaton bomb?

General LEMAY. Yes, sir; I do. The Joint Chiefs have already recommended we go ahead with the development work on a large-yield bomb.

Senator PASTORE. Is this a new policy?

General LEMAY. It is not new as far as I am concerned. I asked for, the Air Force asked for, a high-yield bomb as early as 1954.

Senator PASTORE. When you talk of high yield you mean over 50 megatons?

General LEMAY. Yes, sir.

In the executive hearings of the Preparedness Subcommittee, the fact that the Joint Chiefs had concurred in a formal military requirement for the big bomb is spelled out in unmistakable detail. Since this matter came up in debate a week ago today, the Preparedness Subcommittee has been attempting to get the Department of Defense to remove the security classification from this testimony. The Department of Defense has done nothing but procrastinate.

A false impression has been created by publicly released testimony as to a very important issue in the debate on the ratification of the treaty of Moscow. Testimony which contradicts this false impression remains classified, and all attempts to get clearance from the Department of Defense have failed. The time for the vote is almost upon us, and the Department of Defense is still stalling.

Under the circumstances, one can only draw the conclusion that the Department of Defense is deliberately withholding information in order to perpetuate the false impression created by

1963

CONGRESSIONAL RECORD — SENATE

10847

the testimony before the Foreign Relations Committee. Since the testimony of the Foreign Relations Committee has been released the Preparedness Subcommittee testimony on this point should be released by the Department of Defense and not suppressed under the pretense of security.

This is unconscionable conduct. It is an example of a "coverup" of the facts. Sooner or later, such duplicity will surely come home to haunt the Secretary of Defense.

This is a direct responsibility of Secretary of Defense McNamara. It is not the first such occurrence, and it will probably not be the last unless Mr. McNamara is taught, once and for all, that the Senate will not tolerate such conduct. Only the Congress can teach this lesson.

Everyone, but particularly the Nation, suffers when the issues on national questions are framed and twisted through such antics.

It now appears inevitable that the Senate will advise and consent to the treaty of Moscow. I am not unaware that debate rarely determines the outcome of issues before the Senate. Since the debate on the treaty so far, and the presentation of facts in the debate, have failed to turn the Senate's judgment against advising and consenting to the ratification of the treaty, the possibility is extremely remote that anything said now will influence the outcome of the vote.

Nevertheless, the outcome can never be absolutely certain until the vote has been taken. Because of the degree of the risks involved, and the fact that the consequences, should the hazards of this treaty materialize, are so conclusive and final, however, the probability of futility cannot outweigh the demands of my conscience to offer one last plea for rejection of the treaty.

THE STAKES

Contrary to some assertions, this treaty is of major substantive consequence, in and of itself, and entirely over and above its significance as a "first step" to some new, and as yet, unlighted path.

In so stating, I do not mean to mitigate the role of the treaty as a preliminary, but direction-setting action, the sequences of which may, and probably will be, ventures in the perils of accommodation more obvious than those embodied in this treaty. The very preamble of this treaty suggests further steps toward national disarmament and the vesting of determinative, if not all consequential military power in the United Nations. In immediate prospect, there seems to be such talked-of Chamberlainisms as an East-West nonaggression pact; cutbacks—by the United States, at least—in the output of nuclear reactors; transfers of nuclear materials on some unknown ratio by the United States and the U.S.S.R. to the United Nations; and even agreements, on some as yet undisclosed formula, on the German and World War II questions. It is hard not to conclude that the next, or second, step constituted by increased trade between East and West, whereby

the United States relieves, initially, the foremost deficiency of the Communist rule—its inability to produce the minimum requirements of food for population under its control—has already been agreed upon, either subsequent to, or as a part of, the test ban negotiations.

Whatever may be the judgments of the degree of comparative risks as between the test ban treaty and the steps which follow, the stakes involved in the Treaty of Moscow are greater. In fact, they could be total.

If the proponents of the treaty are correct in their assessment, we could, at most, have more relaxed tensions, greater international stability and a peaceful international environment.

If the proponents are wrong, and the risks materialize, we could be faced with the alternatives only of surrender or nuclear war.

The stakes riding on this treaty could prove to be freedom and slavery, life or death.

THE CHOICE: REALISM OF FINITE DETERRENCE OR IDEALISM OF DISARMAMENT

Our goal—and on this I have confidence that the Senate would vote unanimously—is liberty and peace, for ourselves and for all men.

It is not a new goal for Americans; it was a cornerstone of our Nation's emergence.

The methods followed by the United States in pursuit of this goal have varied, as has the degree of vigor with which any particular method has been pressed.

Since World War II, the United States has been faced with a constant, intense and serious threat from communism to our goal of liberty and peace. The threat has taken many forms, simultaneously, and our methods of countering the varied forms of assault on liberty and peace have varied and fluctuated in degree of successfulness.

As to one element of the threat from communism—nuclear war—we have achieved total success. We have prevented the threat of nuclear war from materializing, while at the same time, we have largely prevented the threat, itself, of nuclear war from being successfully used to diminish our liberty or the liberty of others.

The method which we have followed to maintain our goal of liberty and peace, and to avoid the destruction of our goal by nuclear war or the threat of it from the forces of communism, is a policy of deterrence.

The policy of deterrence is not a mere strategy for winning a nuclear war; it is a method of preventing the occurrence of a nuclear war and of preventing aggression under the cover of the threat of nuclear war.

The policy of deterrence has three essential elements: the maintenance of overwhelming military power; the will to use the finite deterrence upon occurrence of events sought to be deterred; and the belief by those sought to be deterred that the superior power exists and would be so used.

It has been suggested that there is a better and less burdensome method to achieve our goal of liberty and peace—disarmament.

It seems an unavoidable conclusion that the premise which must underlie the faith in disarmament as a method to achieve peace is the presumption that armaments are the cause of war. The premise is false. Wars are caused by the power lusts of men. The actions of Communist leaders have demonstrated beyond their ability to erase with words that they are possessed by an ideology founded on lust for power.

It is human to hope the Communist leaders have changed.

It is idealistic and unrealistic to believe they have changed.

A finite deterrence is a method of realism.

Disarmament is a method of idealism.

The Treaty of Moscow is a step away from the method of finite deterrence and a step toward disarmament. The distance of the step is measured by the degree of risks which the treaty comprises to our ability to maintain a large margin of superiority in strategic nuclear forces.

PREREQUISITE OF A DETERRENT FORCE

Since our strategic nuclear forces are designed to serve as a deterrent force, they must be overwhelmingly superior to those of our potential enemies.

As we have no intention of violating our goal of peace, we have decided and announced that not only will we not strike first with our nuclear weapons, but also we will not anticipate a nuclear strike from others. Our strategy contemplates that we shall not strike back at an enemy until his first blow has actually landed.

We have deliberately announced our intention to permit the enemy the first blow; and should it come, that first blow will undoubtedly fall on our nuclear forces.

Our superiority must, therefore, be so great, that even after we lose all the weapons system that any enemy can destroy or neutralize with the first and heaviest blow the enemy can deliver, we will still have remaining sufficient nuclear power to destroy the enemy. So great must be the margin of our nuclear forces that would survive the first blow of an enemy, that the enemy knows in advance, beyond question, regardless of what he can muster for his first strike, our surviving forces will be so strong as to do our enemy far more damage than he could do to the United States, even with the first strike.

To constitute a deterrence, our margin of superiority in strategic power must be overwhelming.

THE RISKS: IDENTIFICATION AND MEASUREMENT

The risks in the treaty to our ability to maintain the necessary margin of superiority of strategic nuclear power can be identified and measured by considering the facts relevant to a chart included in the report of the Preparedness Subcommittee. This chart lists the highest priority objectives for which the United States would or could conduct nuclear tests in the absence of any restrictions, and indicates as to each of these test objectives whether it could be met under the terms of the treaty.

In order to measure the risks, there are several additional factors which must be

considered in relation to each of these test objectives.

First, do the Soviets also need to test for this objective?

The Soviets do not have a second strike strategy. They have no plans to absorb a first blow. For this reason, they possibly do not have as many priority test objectives, and as to some of those objectives which are common to the United States and the Soviet Union, there is a lesser priority for the Soviets to meet the specific objective.

Second, will the Soviets be able to achieve the particular objective when the treaty is in force?

Third, from what point of level of knowledge do the United States and the Soviet Union begin?

No accurate measurement of the degree of risks involved can be made without considering, to the extent we have such knowledge, what each of the powers knows or probably knows with regard to the particular phase of nuclear technology when the treaty goes into effect.

In so examining each of these test objectives as to measure the risks to our capability to maintain a deterrent force, it is necessary to be ever conscious that a deterrent requires a considerable margin of superiority. Parity is not enough.

These objectives are stated in terms of technology or knowledge. These objectives do not affect the status of our forces at present, nor the margin of our superiority in deployed weapons systems. The degree to which these objectives are met will determine the quality of what we can have in the way of finite weapons systems in the future.

There are 19 priority test objectives listed by the subcommittee. These objectives are established, not speculative. Of the 19, 6 objectives could be satisfied by underground testing permitted under the treaty, 1 could be partly accomplished, and 12 objectives could not be accomplished.

These objectives, the tests for which would not be prevented by the treaty, are:

First. Response of hardened underground structures to ground motion.

Second. Reduction of missile warhead and nose cone vulnerabilities to nuclear explosions.

Third. Development of weapons requiring less fissionable materials than present designs.

Fourth. Development of pure fusion warheads.

Fifth. Development of reduced fallout weapons.

Sixth. Yield verification tests of stockpiled weapons up to approximately 1 megaton.

The objective for which necessary tests will be partially inhibited is the development of an ABM warhead with maximum lethality and minimum black-out properties.

Those priority objectives which cannot possibly be achieved under the terms of the treaty are:

First. Survivability and responsiveness of hardened missile launch complexes to high-yield nuclear explosions.

Second. Response of hardened underground structures to blast and cratering

from high-yield surface burst nuclear weapons.

Third. Determination of missile warhead and nose cone vulnerability to nuclear explosions during atmospheric re-entry.

Fourth. Study of atmospheric and high-altitude radar blackout phenomena.

Fifth. Study of communications blackout phenomena from high-yield nuclear explosions.

Sixth. Full-scale operational tests of ABM systems.

Seventh. Development of very high-yield warheads, equal to or surpassing Soviet achievements.

Eighth. Determination of very high-yield nuclear weapons effects.

Ninth. Determination of underwater nuclear weapons effects for improved antisubmarine—ASW—systems.

Tenth. Full-scale performance and reliability tests of Minuteman and Titan missile systems.

Eleventh. Yield verification tests of stockpiled weapons above approximately 1 megaton.

Twelfth. Troop and crew training tactical exercises using nuclear weapons.

These priority objectives must be pursued vigorously if we are to have, in years to come, the best weapons systems of which we are capable. Since a very large margin of superiority of strategic power is essential to an effective deterrent, preclusion of any priority objective weakens our deterrent capability for the future. The treaty would preclude achievement of approximately two-thirds of our highest priority test objectives.

What will be the effect of the treaty on the Soviets as to these objectives?

The Soviets will be unaffected, as will we, in their capability to test for the six objectives in the first category. Presumably, the Soviets do not have the objective as to response to hardened underground structures to ground motion on as high a priority as do we, for they do not rely on a second strike strategy.

With respect to the 12 priority objectives for nuclear testing, which would be precluded under the treaty, the following factors are significant:

The Soviets probably have a lesser priority on the two objectives relating to vulnerabilities of hardened missile launch complexes, because of their first strike strategy. To the extent that they do have priority objectives of determining the vulnerabilities of our hardened missile complexes, it is possible that a part of these objectives was achieved in their weapons effects tests in the 1961-62 series.

One of our priority test objectives is the "development of very high-yield warheads, equal to or surpassing Soviet achievements." From the very statement of the objective, it is obvious that the Soviets achieved this objective, and that we cannot, on the basis of our current knowledge, duplicate their very high-yield warheads.

The Preparedness Subcommittee found that—

By virtue of its large, multimegaton weapons tests, it is prudent to assume that the

Soviet Union has acquired a unique and potentially valuable body of data on high-yield blast, shock, communications blackout, and radiation and electromagnetic phenomena which is not available to the United States.

A comparison of this finding with the 12 priority test objectives, which are precluded by the treaty, reveals that this finding of a Soviet lead in technology applies to 5 of the 12 objectives.

The Preparedness Subcommittee report also states:

In the field of weapons effects experiments related to the design and development of an effective antiballistic missile (ABM) system the evidence, although less conclusive, indicates that the Soviet Union in 1961 and 1962 conducted a series of complex high altitude operations which, if properly instrumented, could have provided substantial and important data on the various types of radar blackout and nuclear effects. These Soviet experiments were clearly dictated by an ABM development program.

The United States has conducted no experiments comparable in complexity to those Soviet operations and a disturbing number of the U.S. high-altitude-effects experiments which were conducted were compromised either by considerations unrelated to the technical objectives of the test program, by inadequate or faulty instrumentation, or by operational inadequacies.

This finding leaves no alternative but to assume that the Soviets have partially or totally achieved 2 other of the 12 priority objectives which would be precluded by the treaty.

Considering the number and yield of Soviet tests during 1961 and 1962, we must assume that their stockpiled weapons above 1 megaton have been tested for yield verification.

The United States has not engaged in troop and crew training using nuclear weapons, but the Soviets have so engaged. This is a continuing objective, but the Soviets have a virtual monopoly of experience.

Our two latest and most relied-on weapons systems, Minuteman and Titan, have not been subjected to full-scale performance and reliability tests. Deployed Soviet weapons systems have undoubtedly been so tested during the 1961 and 1962 series of tests. The weapons systems which they may design, based on information from the recent series of tests, could not have been proof tested, and could not be proof tested without violation of the treaty.

As to the two remaining priority objectives, we have little knowledge on which to base judgment of the Soviet progress to date. We are in the dark.

Of the 12 high-priority test objectives which the United States now has, but which would be completely precluded by the treaty, the Soviets probably have a lower priority on 2. They positively have totally achieved one objective; they probably have achieved most, if not all, of nine other of these objectives; and they possibly have at least partially achieved the other two objectives.

In the 12 high-priority areas, where our priority test objectives will be thwarted by the treaty, there is not one area in which we have any assurance that the Soviets have not already achieved or partially achieved the objective.

1963

CONGRESSIONAL RECORD — SENATE

16849

A breakthrough on even one or two of these objectives could provide the key to superior strategic power in the future for whoever makes the breakthrough. We have no assurance that the Soviets have not already acquired such a breakthrough. The breakthrough could be in an ABM system, electromagnetic phenomena, gamma rays, or some effect which is still totally unknown to the United States.

Even a partial breakthrough, when converted to weaponry and used in a first strike, could provide the Soviets with enough to persuade them that the risks of nuclear war were acceptable. Even a parity in quality of weapons, combined with a free first blow, might weight the scale for nuclear war.

These are the risks to our deterrent. They are serious and formidable. They are not certain to materialize, but the odds are substantial that they will.

NONMILITARY CONSIDERATIONS

Against these serious and formidable risks must be weighed certain nonmilitary considerations.

Unlike the risks to our deterrent, the nonmilitary considerations are not finite.

Like the risks to our deterrent, whether the nonmilitary considerations will materialize is not certain.

In contrast to the risks to our deterrent, the consequences of the nonmilitary considerations are far less than total, and their weight negligible.

INHIBITING PROLIFERATION

Proponents of ratification of the treaty of Moscow alleged the treaty will inhibit the proliferation of nuclear weapons. The degree of inhibition is slight, at best.

The danger of proliferation varies substantially as between the nations to which nuclear weapons are, or might be, proliferated. The acquisition of nuclear capabilities by one of our NATO allies creates no major danger for the United States. The greatest problem of proliferation, from the standpoint of the United States, is China's achievement of a nuclear capability. This the treaty will not prevent nor inhibit in any way.

The probability of proliferation is not so great as might appear at first glance. Many small nations do not have the economic capacity to undertake a nuclear weapons program; for in addition to the warhead program, they must also undertake the heavy burden of delivery systems. Many small nations which might have the economic capability would probably, even in the absence of the treaty, decide against acquisition of a nuclear capability. Prior to the advent of the treaty, nations in South America had already established a nuclear-free zone on that continent.

More important, the treaty will at most inhibit, if at all, only one of several means of proliferation—that means of acquisition which lies in internal development, including testing. As to this means of acquisition, it should be stressed that the treaty will at most inhibit, but not prevent, the acquisition of nuclear weapons by other nations; for nations could obviously acquire a nuclear capability through development with underground testing only.

Since the initial acquisition of a nuclear weapons capability solely by research and testing by the United States, self-development has not only not been the only means of proliferation, it has not been the principal means of proliferation.

Other means of proliferation include transfer of weapons themselves, or the nuclear technology, from an existing nuclear power. The transfer could be by sale or gift, as a result of an alliance. The acquisition of essential knowledge could be by means of espionage or theft. Testing for initial and crude weapons development, if necessary, could be done underground. The treaty would inhibit none of these means of proliferation in the slightest.

The nuclear capability of Great Britain resulted in no small part from transfer of information and material from the United States.

The initial capability of the Soviet Union in the nuclear weapons field resulted in no small part from the theft of knowledge and acquisition of fissionable materials from the United States.

Red China's current nuclear potential is a direct result of admitted assistance by the Soviet Union. The Communist Chinese nuclear laboratories were set up by the Soviets. The Soviets gave the Chinese Communists very essential assistance in mining and refining the essential raw materials for nuclear weaponry. The Soviets assisted the Red Chinese in constructing production facilities for fissionable materials.

Much has been made of the nuclear potential of Israel. Israel's current potential resulted largely from acquisition of financing and knowledge by Israel from France.

It has been pointed out that the Soviets share the United States concern about proliferation of nuclear weapons. It should also be pointed out that the primary concern of the United States is proliferation of nuclear weapons to Communist China, while the direction of proliferation which most concerns the U.S.S.R. is quite clearly Germany, now that France has a nuclear capability.

The proponents of the treaty claim that the treaty will not inhibit the establishment of a NATO multilateral nuclear force. This is a form of proliferation which will cause concern to the Soviets.

We have no means of knowing that the Soviets will not establish a multilateral nuclear force in the east European satellites, which, since the Soviet Union controls the foreign policy of the satellites, is equivalent, from a practical standpoint, to proliferation of nuclear weapons to the Communist satellite countries.

The treaty will accomplish precious little toward inhibiting proliferation of nuclear weapons.

One thing is certain; the treaty does not affect proliferation of a nuclear weapons capability to Red China, the most dangerous aspect of proliferation to the United States and the free world.

It will inhibit, at most, only one of several means of proliferation, and that but slightly.

As a factor to be weighed against the

risks to our deterrent capability, inhibitions of proliferation of nuclear weapons by the treaty is a featherweight.

RADIOACTIVE FALLOUT

The hazards of radioactive fallout from nuclear testing have been greatly exaggerated. The best scientific testimony is to the effect that the effects of radiation from fallout resulting from nuclear testing is less than the level of radiation from natural background sources.

Radiation from all testing so far has not reached a level which could be harmful or dangerous. Both the Soviets and the United States have made great progress toward the development of "clean" nuclear devices, which are more effective from a military standpoint. Thus, future testing in the atmosphere by either side would probably result in even less radioactive fallout per unit of yield tested than has been the case in the past.

Undoubtedly, there exists rather widespread fear of fallout, however unfounded or exaggerated. Other factors permitting, it is desirable to remove all basis for such exaggerated and unfounded fears and to eliminate any remote possibility of danger from radioactive fallout resulting from nuclear testing.

This objective pales in significance, however, when compared to the risks to our deterrent capability, and the consequences of not accomplishing this objective are slight in relation to the total consequences of the military hazards. Dr. John Foster, the director of the Lawrence Radiation Laboratory at Livermore, Calif., came to virtually this same conclusion when testifying before the Senate Foreign Relations Committee. He said:

I think, sir, that the problem or the question of fallout is of insignificance, or little significance, compared to the major issue with which the development of warheads is attempting to deal.

Also, in the Foreign Relations Committee hearings, Dr. Glenn Seaborg, Chairman of the Atomic Energy Commission, made the point, in answer to a question by Senator RUSSELL, that fallout "is a considerable distance" from endangering the human family.

IMAGERY

Much has been made of the fact that many nations of the world have already signified their intention to officially subscribe to the terms of the Treaty of Moscow after it is ratified. Most of these countries have lauded the treaty as a step in the direction of a peaceful environment. If the U.S. Senate should now decline to advise and consent to the ratification of the treaty, it would cause damage to the image of the United States as a champion of peace in the eyes of the world.

It is, of course, unfortunate—to be charitable—that parties other than the original three were invited to sign up prior to consideration by the original parties of the question of ratification. This anticipation shows either a poor sense of diplomatic timing or a proclivity for intimidation. It is a fact, however, that the countries of the world are quite well aware that the treaty cannot bind

16850

CONGRESSIONAL RECORD — SENATE

September 23

the United States without the advice and consent of the U.S. Senate. Action by the U.S. Senate on the League of Nations Treaty served to impress this fact indelibly on the diplomatic personnel throughout the world. Their significance of intent to become parties to the Moscow Treaty, if ratified, was done in full knowledge of this fact, and they should be prepared to face the decision of the Senate, whatever it is.

This, of course, does not alter the fact that the image or prestige of the United States, whatever it now is, would be impaired to some unascertainable extent should the United States now decline to ratify the treaty.

Prestige, or as the orientals call it, face, is at best an illusory and transient quantity, of some significance, but impossible to measure. Its consequences are rarely, if ever, determinative of issues. Popularity is desirable and flattering to the ego of both individuals and nations, but it is not nearly as important as respect, and never so valuable as to warrant purchase at a price of sacrifice of principle or substance.

With the proper public relations expressed in terms of the protection of the lives of mankind, and turned toward the other peoples of the world, for a change, the United States could minimize any loss of face and make it temporary, at most.

As a counterweight to the risks to our deterrent capability, the relatively inconsequential risks from damage to the image of the United States are not materially significant. Dr. Edward Teller eloquently summed up the answer to the international imagery question when he warned the Senate Foreign Relations Committee that:

If you reject the treaty this will be a small mistake. . . . If you ratify this treaty, I think you will have committed an enormously bigger mistake. . . . You will have given away the future safety of this country.

A DECISIVE QUESTION

There is one underlying and overriding question on which judgment as to the advisability of ratification of the treaty by the United States must turn.

The question is: Did Khrushchev make a decision in the spring of 1963 to abandon reliance on nuclear weapons as one means by which he could or would attempt to achieve his goal of world domination?

There can be no serious question of the fact that Khrushchev still adheres unswervingly to the resolute aim of Communists to dominate the world. Without exception, the witnesses who testified on the question of ratification of the Treaty of Moscow concurred on Khrushchev's continued pursuit of this dangerous, and war-pregnant purpose.

Prior to the spring of 1963, there is no dearth of evidence, in both actions and words, which demonstrate beyond any doubt that Khrushchev placed a primary reliance on the Communists' capability to develop and use nuclear weapons, in the form of either nuclear war or the open threat of nuclear war, to achieve their goal of world domination.

The series of nuclear weapons tests conducted by the Soviet Union in 1961 and 1962 was a major effort to which the highest priorities and precious scarce resources were devoted by the Soviet Union in quantity. When these tests were planned and executed, Khrushchev clearly intended to rely on nuclear weapons as a means of conquest.

In 1962, Khrushchev made an attempt to upset the balance of nuclear strike power by putting nuclear missiles in Cuba where they could strike at the major military control centers of the U.S. nuclear retaliatory forces by the back door, where we had no warning net. It is now clear that Khrushchev was attempting to set the stage on which he thought he could force a nuclear showdown and either demand our surrender or pull the holocaust string. Whether he would have chosen to deliver an ultimatum or to unleash a sneak attack, we neither know, nor, in all likelihood, will ever learn. Khrushchev's actions in Cuba last fall do prove unequivocally, however, that at that time Khrushchev placed heavy reliance on nuclear weapons as a means of conquest of the world, and particularly, the United States.

In mid-1962, the Soviets published a book entitled "Military Strategy" which is edited by Marshal V. D. Sokolovskii, who until 1960 was, among other things, Chief of the Soviet General Staff. This is the first comprehensive work on Communist or Soviet military strategy since 1923. The theme of this enlightening work is unmistakable: The Soviets believe unquestionably that the war of the future will be nuclear and total. In the opinion of the Soviets, the initial phase of nuclear war will be decisive. And the Soviet strategy comes through loud and clear, both from emphasis and repetition: "Preemptive strike," which in the context it is used means "surprise attack." This book, the most authoritative words one can get from the Communists, shows that the Soviet strategy for conquest of the world, in 1962, lay in the nuclear weapons field.

In late 1962, there can be no question of Khrushchev's reliance on nuclear weapons as one potential means of conquest of the world. If such reliance has been abandoned by Khrushchev, the change could not have come before 1963.

The question as to Khrushchev's intent, as of 1963, is raised by the fact that in 1963, Khrushchev reversed his previous position in opposition to a three-environmental test ban treaty, and negotiated, with appearances of relish, the Treaty of Moscow.

Two fundamentally contradictory theories as to Khrushchev's motivation, causing his flip-flop in position, have been advanced.

The theory has been advanced that Khrushchev decided in 1963 that he could never hope successfully to challenge the United States with nuclear weapons. The theory is premised on the speculation that Khrushchev was badly shaken by the close brush with nuclear war which his missiles-to-Cuba effort precipitated. The possibility is also ad-

vanced that the results of the Soviet series of tests in 1961 and 1962 were disappointing to Khrushchev, and persuaded him that nuclear weapons competition with the United States was hopeless. To this is added the premise that Khrushchev is afraid of the possibilities of China's nuclear potential.

The alternate, and an incongruous rationale, is that Khrushchev, far from abandoning nuclear weapons as a means of global conquest, reversed his position, under changed circumstances, precisely for the purpose of enhancing his chances for attaining nuclear superiority. It is possible, even probable, that the Soviet evaluation of their series of nuclear weapons tests in 1961-62, produced new knowledge in nuclear techniques. This new knowledge, in the opinion of the Soviets, might provide the basis for design of new weapons systems which would give them nuclear superiority or sufficient nuclear strength to make acceptable the risk of a showdown ultimatum or a surprise attack on the United States and the free world. If a breakthrough in technology did result from the Soviet series of tests, it would logically be to their advantage to secure a freeze or the maximum inhibition on the acquisition of nuclear technology by the United States and the free world in those areas of technology in which the Soviet achievements were attained. Since Soviet productive capability for weapons systems is substantially inferior to that of the United States and other free nations, a freeze or inhibition on new technological advantages in nuclear weaponry in the free world would increase the probability that the Soviets could manufacture and deploy radically new weapons systems sooner than could the United States. The three-environmental test ban treaty would accomplish such an objective.

In view of the long history of adherence by Khrushchev and the other leaders of communism to their overriding aim and goal of world domination, together with Khrushchev's clearly evidenced reliance on nuclear weapons as one means to accomplish that aim and goal, mere words from Khrushchev and other Communist leaders are hopelessly inadequate to overcome the strong presumption that Khrushchev's reliance on nuclear weapons continues. Unfortunately, insufficient time has lapsed since Khrushchev's apparent reversal of position for the more idealistic in the free world to observe Communist actions from which to derive a conclusive judgment as to his intentions with regard to future reliance on nuclear weapons.

It is rather difficult to conclude that Khrushchev's reaction to the developments in Cuba last fall did not partake more of disappointment than fright. His actions in Cuba, as well as others, indict him as a calculating man. His reactions attest to the fact that his missiles-to-Cuba operation was undertaken only after due consideration of, and preparations for, any consequence or development.

It is just as improbable that Khrushchev abandoned his reliance on nu-

1963

CONGRESSIONAL RECORD — SENATE

16851

clear weapons as a means of conquest because of the Soviet evaluation of the 1961-62 series of tests. Although we have insufficient knowledge of the Soviet tests to accurately and precisely measure the Soviet gains in technology, we do have ample knowledge to know that the Soviets made substantial relative gains as compared to the nuclear state of the art in the United States. Only with the aid of gullibility as a lubricant could one swallow the proposition that Khrushchev, at the very time when he had succeeded in making substantial gains on U.S. nuclear technology, and outstripping the United States technologically in certain areas, had suddenly abandoned his reliance on nuclear weapons as a means of conquest.

Neither, in the light of known facts, can the premise that Khrushchev is afraid of China be given any substantial credence. Despite the evidence of a power struggle between the Communist leadership in the Kremlin and the Communist leadership in Peiping, the fact remains that Red China is still militarily, and to a major degree, economically, dependent on the Soviet Union. If Khrushchev is really afraid of Red China, why does he not cut the trade strings from the Soviet Union and the Communist bloc to Red China, and thereby bring down the present Communist government and leadership in China, as he surely could?

There are, of course, a number of facts known, derived from actions controlled by Khrushchev in the last few months, which weigh heavily against any premise that Khrushchev has abandoned reliance on nuclear weapons.

In July 1963, even at the time the Treaty of Moscow was being negotiated, the Soviet Union was conducting nuclear tests.

It is also significant that Khrushchev did not agree to a ban on underground testing, accompanied by on-site inspections. If he had contemplated ending his reliance on nuclear weapons, it would logically seem to his advantage to have included in the treaty a ban on underground testing. It was also somewhat more than significant that the Soviets have been, and even now are, making extensive preparations for underground testing.

To these actions can be added the admittedly boastful and exaggerated claims by the Soviets that they now have nuclear superiority over the United States, and that their nuclear superiority will be perpetuated by the treaty of Moscow.

As late as September 3, 1963, Marshal Malinovsky, the Soviet Defense Minister, wrote in Pravda that the Soviet Union can "prove its complete military superiority over the United States."

Witnesses for the administration have stated that this treaty is not based in any part on trust of the Communists or trust of Khrushchev. Technically, the witnesses are correct. The word "trust" implies some basis in fact or experience for faith. Yet, the opinion that Khrushchev has abandoned his reliance on nuclear weapons as a means of achieving his aim and goal of world domina-

tion can have no such basis in fact or experience, for both facts and experience support a contrary and incompatible conclusion exclusively. Such an idealistic opinion can have no foundation in mere "trust"; such an opinion can derive from nothing more substantive than naivete, gullibility, and mental gyrations, stimulated by wishful thinking.

The choice between these alternative motivations, which are attributed to Khrushchev, can be decisive—not just as to the question of whether the Senate will advise and consent to the ratification of the treaty of Moscow, but also to the issues of freedom and slavery, life and death.

SUMMARY OF ISSUES

What should be the decision on ratification?

The stakes, or consequences, could prove to be total: freedom or slavery; life or death.

The Senate is faced with a choice between the realism of finite deterrence and the idealism of disarmament.

The prerequisite of a deterrent force is nothing less than overwhelming superiority of strategic nuclear forces, the maintenance of which is a severe challenge even in the absence of any self-imposed limitations on our ability, whether such limitations be undertaken unilaterally or by treaty.

Against those risks must be weighed the nonmilitary considerations: The slight contribution to some inhibition of proliferation of nuclear weapons; the desire to eliminate the diminutive, but exaggerated hazards of fallout, and the emotion-based fear of it; and our reluctance to jeopardize to some degree the image of the United States, to the extent we have such an image, as a leader in the idealistic quest for a disarmed world. When brought down from the clouds and weighed in scales set firmly on the ground, these nonmilitary considerations cause the scales to record some weight, but the measurement is, oh, so slight.

In the final analysis, one must choose between incongruous alternatives as to Khrushchev's fundamental motivation to decide the fundamental question: Has Khrushchev abandoned reliance on nuclear weapons as a means to achieve his goal of conquest? An affirmative answer can draw for support on nothing more substantial than gullibility, naivete, and wishful thinking.

CONCLUSION

The situation in which the Senate now finds itself is illustrated by a story of a hunter and a bear: A hunter took careful aim at a huge bear. About to pull the trigger, the hunter heard the soothing, beguiling voice of the bear: "Is it not better to talk than to shoot? What do you want? Let us negotiate—let us talk about this."

Lowering his rifle, the hunter said: "I want a fur coat."

"Good," said the bear. "That is negotiable. I only want a full stomach. Let us negotiate a compromise."

They sat down and negotiated. After a time, the bear walked away alone.

The bear had his stomach full, and the hunter had his fur coat.

Before the final vote is taken on the treaty, and before the Senate undertakes to play the role of the hunter in this story, I would again remind my colleagues of Rudyard Kipling's words in his poem, "The Truce of the Bear":

When he stands up as pleading, in wavering,
man-brute guise,
When he vells the hate and cunning of his
little, swinish eyes;
When he shows as seeking quarter, with
paws like hands in prayer,
That is the time of peril—the time of the
Truce of the Bear.
Eyeless, noseless, and lipless, asking a dole
at the door,
Mantun, the old blind beggar, he tells it
o'er and o'er;
Fumbling and feeling the rifles, warming his
hands at the flame,
Hearing our careless white men talk of
the morrow's game;
Over and over the story, ending as he
began:—
There is no truce with Adam-zad, the Bear
that looks like a Man.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PEARSON in the chair). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, will the Senator from Montana yield me 12 minutes?

Mr. MANSFIELD. I am delighted to yield to the Senator 12 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Montana for his fine courtesy in suggesting a quorum call.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 12 minutes.

Mr. STENNIS. Mr. President, I shall not long delay the Senate in these closing hours of the debate on the question of whether it will consent to the ratification of the nuclear test ban treaty. I wish to comment briefly, however, on three matters with respect to this subject.

First, let me say that I concur wholeheartedly in the statements made earlier today by the distinguished Senator from South Dakota [Mr. MUNDT] with respect to the methods and tactics used in negotiating and presenting this treaty. I agree wholeheartedly that it has been presented to us as an accomplished fact which some Senators feel they are almost compelled to approve. A repetition of procedure of this type with respect to future treaties can serve only to downgrade the role of the Senate in the constitutional advice and consent process. The administration's commitment of our Nation to this treaty before all the world and the subsequent strong reliance on the "we have gone too far to turn back now" argument have very clearly handicapped us in passing upon the merits of the treaty. I shall be pleased to join the Senator from South Dakota and any other Senators in taking such effective action as may be

16852

CONGRESSIONAL RECORD — SENATE

September 23

necessary to prevent a recurrence of this procedure.

Second, I wish to refer briefly to the question of the very high yield nuclear bomb. During the course of the debate there has been much discussion as to whether there is or is not a military requirement for it and whether such a requirement has been stated. Let me say to the Senate that information in the record of the hearings of the Preparedness Investigating Subcommittee would serve to lay this question to rest once and for all and to establish very clearly that a military requirement for the development of a very-high-yield bomb has been both laid down and approved by high military authority and high civilian authority. Although direct testimony upon the same subject was released to the public in the hearings of the Foreign Relations Committee, for some reason the testimony on the same subject before the Preparedness Investigating Subcommittee was marked "classified," after security review. I have very strongly insisted that this information be declassified promptly, so that I might be able to present it fully to the Senate. However, I have not yet been successful, and therefore I am not in a position to furnish the testimony for the Record.

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram sent by me on September 16 to the Secretary of Defense. In it, I urge that this matter be declassified; and I point out the testimony, and urge that it be declassified as soon as possible.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SEPTEMBER 16, 1963.

HON. ROBERT S. McNAMARA,
Secretary of Defense,
Washington, D.C.:

In view of open testimony on subject of military need for large-yield bomb before foreign relations and discussions on Senate floor, I urgently request that testimony on subject before Preparedness, including your memorandum of September 9, be declassified for public release without delay.

JOHN STENNIS,

Chairman, Preparedness Investigating
Subcommittee.

Mr. STENNIS. Mr. President, I doubt that this matter came to the personal attention of the Secretary of Defense. I intend no personal criticism of him; but this case illustrates how the legislative branch of the Government is the victim of those who administer on these subjects.

I hold in my hand, and can show to any Senator, the classified testimony we had on this very subject; and it is contrary to that of the witness whose testimony was released.

I am sure the testimony showed that there is no military requirement for such classification. The testimony was honest; but it was directly contradicted by the testimony of other military witnesses of equal reputation. The first testimony—that such a bomb is not required—was released, whereas the other testimony—that such a bomb is required and is needed now—was held to be classified.

I am bringing up this matter now, not so much for the debate, because it is over, but because we were promised a report on this matter as early as possible, and were told we might get it by last Friday; but it did not come. Then a report on the release of this testimony was promised to be given today—if at all possible, this morning; but it did not come. Then it was promised for this afternoon, if possible; but it did not come; and none has come yet.

In making this statement, I emphasize our intention to follow up this matter and determine the extent to which information of this kind is classified and is not given to the public.

Our subcommittee intends to follow up this matter, not only in connection with this case, but also in connection with others. I say here and now that I will continue to press vigorously for the declassification of this information and other information which was presented to the Preparedness Investigating Subcommittee, but has not been cleared for public release, according to our records, although the testimony before the Foreign Relations Committee was cleared for public release.

Mr. President, more than two-thirds of the Senators have declared that they will vote for ratification of the treaty now pending before us.

I believe that a number of Senators who will cast such an affirmative vote will do so with the understanding that it is the intent of this Government to undertake certain measures which have come to be known as "safeguards." These safeguards were proposed by the Joint Chiefs of Staff in their formal statement. The Joint Chiefs concluded that the military risks inherent in this treaty can be accepted only if these measures are implemented fully and effectively.

It is my opinion that the Senate has a unique responsibility in connection with this treaty and the specified safeguards. The general assurances we have received from the executive branch were specifically requested in a motion submitted by the Senator from Washington [Mr. JACKSON]; and subsequently the motion was approved unanimously by the Senate Committee on Armed Services. If the Senate consents to ratification of the treaty, it will share with the executive branch responsibility for its impact upon the security of this Nation. Therefore, our responsibility cannot end with the vote. We must follow through on our insistence that the safeguards be fulfilled; that a comprehensive, aggressive, and continuing program of underground nuclear testing will be conducted; that modern nuclear laboratory facilities and programs will be maintained; that standard facilities and resources for renewed atmospheric tests will be prepared and maintained; and that our capability to monitor the terms of the treaty will be improved.

It was this consideration that impelled the Preparedness Investigating Subcommittee in its interim report on the mili-

tary implications of the proposed limited nuclear test ban treaty to state:

To permit the U.S. Senate to monitor the treaty safeguards it is necessary that the expressed good intentions be supplemented by definitive programs against which progress can be compared. At this time we have not received details of testing, preparedness, and detection improvement programs which will permit the safeguards to be monitored in an effective manner. If the treaty is ratified, it is the intention of the Preparedness Investigating Subcommittee to monitor the implementation of the safeguards and it would also be our hope that other committees of the Congress having jurisdiction in these areas would cooperate in this important program.

As chairman of the Preparedness Investigating Subcommittee, I wish to announce at this time that if the treaty is approved, the subcommittee plans to follow through on this matter and to monitor and maintain surveillance over the manner in which the safeguards are implemented. It is our intention to report to the Senate periodically on how successfully the requirements necessary for the safeguards are being fulfilled, how effectively our military security and preparedness programs are protected, and upon other important matters in connection therewith.

We propose to acquire detailed information about the planned underground testing program, together with the proposed test schedules and the objectives. We hope to develop specific information on the amounts to be budgeted for improvements to our nuclear weapons laboratories and the projects associated with these expenditures. We will request a schedule for the availability of diagnostic, delivery and sampling aircraft; completion dates for Johnson Island test facilities; commitments on the availability of rocketry and specialized instrumentation for high-altitude and antiballistic missile systems tests; information on plans for the acquisition and use of testing ranges; and a clear indication of effective planning for the conduct of annual exercises by the joint task force to perform and to perfect high-altitude and antiballistic missile experimentation, if the need and the opportunity should arise. We will also seek to obtain information about the program and schedule for the contemplated improvements to our atomic energy detection system.

With this information, the subcommittee will then be in a position actually to evaluate the effectiveness of the safeguards program and the extent to which the assurances we have received from the executive branch are being carried out, and to report our findings to the Senate. I believe it is essential that this be done.

Let me say again, Mr. President, that I believe this treaty has brought us, for better or for worse, to a momentous and significant crossroad. While my concern for the security and survival of our great Nation and my understanding of the facts do not permit me to join with the majority in voting for approval of the treaty, I hope and pray that the high hopes of its sponsors are fulfilled and

1963

CONGRESSIONAL RECORD — SENATE

16853

that it does lead us toward a brighter and more peaceful world.

After the consideration of all this testimony—as we stated originally in the report of the Preparedness Investigating Committee, with reference to this phase of our hearings—we concluded solidly that this treaty would deny us the necessary opportunities to test fully and and fully meet our military requirements, and that any of the prospective positive and constructive gains resulting from the treaty did not overcome those losses or disadvantages and did not justify our giving up what we are having to surrender and what we will surrender under the terms of the treaty.

Therefore, Mr. President, I remain of the opinion and the final conclusion that the treaty does jeopardize our security and should not at this time be approved and ratified.

I wish especially to commend the distinguished majority leader [Mr. MANSFIELD] although others deserve commendation, too—for the very fine way in which he has handled this extensive and very important debate preceding what perhaps will be the most important vote in the Senate in many years. So I commend him very highly for the very fine way in which he has performed his duties and carried out his obligations. Certainly he continues to have the greatest confidence and respect of the Senator from Mississippi and of all the other Members of this body. I thank him for yielding this time to me.

Mr. MANSFIELD. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 20 minutes.

Mr. MANSFIELD. First, Mr. President, I wish to thank the Senator from Mississippi for his kind word and for his unfailing courtesy, consideration, and graciousness during the many difficult days we have had while the Senate has been considering the treaty. It is true that this has not been one of the great debates of the century; but I believe that in many respects it has been of more fundamental significance and of greater importance, because in my opinion no other treaty in which this country has been involved has been gone into so deeply and so thoroughly and by so many Senators, as is evident from the fact that three Senate committees held hearings on the treaty for several weeks, and from the further fact that the Senate Preparedness Investigating Subcommittee, under the chairmanship of the able and distinguished Senator from Mississippi, held hearings for an even longer period of time on the military aspects of this program.

Now we have been told, if we can believe the news tickers—and I believe the statement is true—that, as of now, approximately 100 nations have formally ratified or signed the test ban treaty. We know that six nations—France, Communist China, Albania, North Vietnam, North Korea, and Cuba—have given no indication that they will sign the treaty.

In fact, I believe exactly the opposite will be the case—that they will not sign the treaty.

Now the hour of decision is at hand. Tomorrow, at 10:30 a.m., the Senate will vote on this most momentous treaty, which will mean so much in the lives of the people of this Nation and in the lives of the peoples of the world.

Mr. President, that the record may be straight, let me say that it should show that this treaty reflects the judgment not only of this Democratic administration but of its predecessor Republican administration. It is a tribute to the persistence for peace on the part of Mr. Eisenhower no less than Mr. Kennedy.

The record should show, too, that Members of this body have played an immense role in the conception of this treaty, and in shaping it and in bringing it to this moment of ultimate decision. In this connection, I think of the work of the Senator from Minnesota [Mr. HUMPHREY], the distinguished whip and chairman of the Senate Subcommittee on Disarmament, of the work of the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. SPARKMAN], the ranking Republican member of the Foreign Relations Committee, the Senator from Iowa [Mr. HICKENLOOPER], the senior Senator from Vermont [Mr. AIKEN], and others who have observed the actual process of negotiation over the years, on behalf of the Senate and made significant contributions. I think of the work of the Senator from Idaho [Mr. CHURCH], and the Senator from Connecticut [Mr. DONN], whose creative conceptions were in accord with the modifications which ultimately produced agreement.

I think of the bipartisan contribution of the Senators who journeyed to Moscow to witness the signing of the treaty—Mr. AIKEN, Mr. SALTONSTALL, Mr. PASTORE, Mr. SPARKMAN, Mr. FULBRIGHT, and Mr. HUMPHREY.

I think of the Senator from Georgia [Mr. RUSSELL], the Senator from Arizona [Mr. GOLDWATER], the Senator from Mississippi [Mr. STENNIS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Maine [Mrs. SMITH], all distinguished experts in military matters, whose penetrating questions have compelled all of us to sharpen our understanding of this step. The RECORD should reflect their contributions.

And it should reflect, too, Mr. President, the work of the great chairman of the Committee on Foreign Relations [Mr. FULBRIGHT]. In considering this treaty, he guided not only the members of that committee but the Senators of the Armed Services Committee and the Joint Committee on Atomic Energy in one of the most profound, impartial, and thorough studies ever conducted by an agency of the Senate. I can recall of no other occasion in which the Senate was better equipped by the work of its committee to proceed, fully informed and with due deliberation to decision.

Finally, Mr. President, I wish to allude to the contribution of the great American who sits across the aisle, to the Senator from Illinois, the distinguished minority leader [Mr. DIRKSEN]. He withheld his judgment until he had fully informed himself on this treaty, until he

had pondered its implications, not to his party, not to himself but to the Nation and to the living generations and those yet to come. When he knew in his mind and in his heart that it was right, then and only then, did he decide. And once having decided, he was as a rock of granite, impervious to the storms of criticism which beat about him.

The Senator from Illinois is a great American. And, Mr. President, he could not be a great American unless he were also an understanding and compassionate human being. His guidance, his reassurance, his wisdom, in this instance, increases the debt which the leadership owes to him, and which the Senate and the Nation as a whole owe the Senator from Illinois for his high patriotic public service.

Mr. President, shortly we will vote on the question of advice and consent to the ratification of the nuclear test ban treaty. What needed saying on this treaty has been said again and again in committee and on the floor. It ought to be clear by this time that not a single Senate proponent favors the treaty, because he believes that the Russians have signed it out of love for the United States. There are no dupes in the Senate on that score. The Russians have their own reasons for signing this treaty. They are not necessarily reasons of military advantage at all although that possibility has been discussed thoroughly. Indeed, one does not have to search far for plausible reasons for the Russian signature.

Mr. Khrushchev has his share of internal difficulties. The Soviet-Canadian wheat deal of Canadian wheat for \$500 million is one example. The Russian people are consumers, too, and nucleonics is not yet a substitute for nutrition. The race to the moon is not yet producing edible green cheese. Missiles are not yet delivering milk. Nuclear fallout does not drop as the gentle rain on parched agricultural lands.

And if internal difficulties are insufficient to explain the Russian acceptance of this treaty, we may find other reasons in Mr. Khrushchev's external difficulties and, particularly, in the Soviet relationship with China. The Soviet Union is confronted with a militant and hostile ideological challenge from the Chinese. It is confronted with a China which lays great stress on its racial affinity with all Asians as against European Russia. It is confronted with growing Chinese territorial pressures in Central Asia. In this connection it should be noted that the Sunday papers carry the reports from Moscow that Russia charges that its frontier was violated by China 5,000 times in 1962. And also in this connection I ask unanimous consent that there be printed at the end of my remarks an editorial appearing in the New York Herald Tribune dated September 23 and a statement which I made on September 6 referring to the Sino-Soviet border issue as, possibly, a major motivation in the Russian interest in the nuclear test ban treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

16854

CONGRESSIONAL RECORD — SENATE

September 23

Mr. MANSFIELD. In short, Mr. President, quite apart from military matters, there are any number of plausible reasons for the Soviet Union to want this treaty with the United States. But that is the business of the Russians. It is not ours.

From our point of view, there are similar valid reasons for seeking this treaty. We do not have to love the Russians to see the advantages of this treaty. We have only to recognize what unrestricted testing of nuclear weapons, let alone nuclear warfare itself, may do to the civilization we know and to the health of the people of the United States, particularly to younger generations here and on the way. Is that in itself not sufficient reason for seeking this treaty?

Let no Member forget that this treaty was proposed and pursued, not by Mr. Khrushchev, but by President Eisenhower and by President Kennedy in succession. And let no Member suggest that they pursued it—and none has—because they are fools or careless or not as wise or as well informed as Senators in these matters. And let no Member suggest—and none has—that these Presidents pursued the treaty for any reason other than that they were convinced that, on balance, it is in the interests of the United States, first and foremost.

Now it is possible to disagree with the judgment of two Presidents in succession. That is what the constitutional practice of ratification is designed to permit, and I question no Senator's motives if, in his judgment, he votes in the end for the rejection of this treaty.

But I would plead with those who are so inclined to consider one last time what the failure to ratify this treaty would mean.

It would mean the resumption of tests in the atmosphere and on the sea, not only by the United States but by the Soviet Union as well, with consequent rise in the exposure to radiation-induced sicknesses of our people as well as others.

It would insure a marked increase in defense expenditures and, hence, in the already heavy burdens of the U.S. taxpayer. For, if we cannot take this step toward security by an instrument of peace, then it follows that we had better put more of our resources into the instruments of war. For that is precisely what others will also be doing, as the fears and antagonisms multiply in the fertile soil of a sanctioned international nuclear anarchy.

To reject this treaty would be to precipitate a worldwide revulsion among the dozens of nations who have followed the leadership of this Nation for many years and who have already signed this treaty in good faith.

To reject this treaty, Mr. President, will be to snuff out that flicker of light which for a brief moment lit the rational and reasonable hopes of the Nation and the world.

It will, in short, bring an end to the hope for a more reliable peace through negotiations, and properly so. For it will make clear that while the President does not fear to negotiate, the Senate fears the consequences of negotiations which are finally successful. It will make clear that we reject these consequences even when they are most cir-

cumscribed, even when we have taken all possible steps to guard against the risks.

These are some of the considerations which I would hope the Senate will bear in mind as we proceed to the final vote on tomorrow morning. And may I say, Mr. President, that the responsibility for this decision is not assignable to any scientist or military or civilian official of the Government. This moment is for elected Senators alone. It is for us to decide to join with or to refuse to join with an elected President to safeguard through the treaty the interests of the people and the States which we represent.

Will we consent to put this very limited but firm brake upon the headlong race toward the nuclear inferno? Can we afford to take this chance? Indeed, Mr. President, can we afford not to take it?

Mr. President, I yield back the remainder of the time.

EXHIBIT 1

[From the New York Herald Tribune, Sept. 23, 1963]

SPARKS ON THE SINO-SOVIET BORDER

Of all the former imperialist powers which had helped themselves to slices of Chinese territory during the open door free-for-all period, only one remains with extensive holdings on the Asian mainland. It is Russia.

Ideological debates are one thing, but they are largely verbal and intellectual. Real estate is quite another. It is something to which all good Communists, like the capitalists they denounce, attach great value.

Peiping may or may not be sincere in its ideological debate with Moscow. But there is now little doubt that it is deadly serious about its claims to Chinese territory which the czars had conquered and which the present Communist rulers of Russia had inherited.

The Chinese have embarked on a course which, if continued, could lead to a denunciation of the Peiping treaty of 1860, extracted from the Manchu emperor by a wily Russian envoy of the czar. The treaty fixed the present Sino-Soviet frontier—a frontier which the Chinese refuse to honor.

This is proved by the disclosure, in an official Soviet Government statement, that the Mao Tse-tung regime has attempted "to appropriate individual sections of Soviet territory" and had violated the border 5,000 times during 1962 alone.

There have been border clashes between Russians and Chinese throughout their history. It is not unlikely, in the light of the extraordinary Soviet disclosure, that these clashes have been resumed and have grown to serious proportions during 1962 and 1963.

The renewal of physical conflict (as distinct from ideological conflict) goes a long way toward explaining the sudden Soviet interest in coming to an understanding with the Western Powers. We may now have an opportunity to extract concessions which previously were beyond our reach. Let's hope President Kennedy and his Secretary of State make good use of it.

EXHIBIT 2

STATEMENT BY MR. MANSFIELD ON
SEPTEMBER 6, 1963

Mr. MANSFIELD. Mr. President, there are obvious reasons of health and skyrocketing costs of armaments which provide common or parallel motives for the Soviet Union and the United States to have sought the test ban treaty. Beyond the obvious, other interests have undoubtedly entered into the search for agreement by each nation. These are not necessarily shared interests but

nevertheless they are a part of the calculations of the balance of benefit on which the treaty rests.

It seems to me that the Senate should explore all of these factors in an effort to understand fully what is at stake in the act of ratification. Reference, for example, has already been made in the hearings before the Foreign Relations Committee to the growing estrangement between Russia and China. That the question has been raised suggests an awareness of what may be a most significant factor in the Soviet position on the nuclear test ban treaty. Yet our knowledge of the Russian-Chinese estrangement is too limited to permit a full comprehension of its implications either for Soviet policy or our own. For one thing, our reportorial coverage of the U.S.S.R., particularly east of the Urals, is extremely limited and spasmodic. For another, our knowledge of what is transpiring in China comes to us largely second or third hand.

It is understandable, therefore, that the Sino-Soviet estrangement has been analyzed in the press and elsewhere largely in theoretical terms. Scholars, journalists, and intelligence technicians pore over the documentation and statements and reports which emanate from Russia and China. And in this fashion, the estrangement is interpreted to the Nation almost wholly in terms of ideological differences and the struggle to claim the high priesthood of orthodoxy in the international Communist movement and with it, I suppose, the right to preach the eulogy at the burial of capitalism.

These ideological factors are undoubtedly deeply involved and I would not for a moment underestimate them. But if I may be so bold as to suggest it, it seems to me that the great emphasis which is given to them in the information which reaches the Government and the public may produce a serious distortion of our concept of the actual situation. We may see the problem largely as a clash of Marxist theories or Communist personalities which is destined to disappear as soon as the theories are straightened out or the present leaders, in time, go the way of all leaders.

I should like to suggest that other, more mundane and enduring considerations are involved in present Sino-Soviet difficulties, considerations which will not easily be exercised either by new theories or new leaders.

It is to one of these considerations that I direct the attention of the Senate today. It may well be the most significant factor in the Russian-Chinese estrangement, largely overlooked in the overwhelming emphasis which has been given to the ideological differences between Moscow and Peiping. I refer to the geographic and cultural convergence of Russia and China in the inner recesses of the Asian continent.

This convergence, Mr. President, has been a source of intermittent friction between the two countries for a very long time. It has persisted irrespective of the ideological inclinations of Moscow and Peiping at any given time in history. It long predates the advent of communism in China and even Russia. Indeed, it predates the birth of Karl Marx by at least a century.

The first recorded clashes between Russians and Chinese go back to the 17th century. Three hundreds years ago, Russian traders and Cossacks first made contact with the outposts of Chinese-Manchu imperial power in the region north of Manchuria. The early zone of Russian influence and authority in this desolate northeast corner of Asia, as against China, was established by a series of treaties beginning with that of Nerchinsk in 1689, and followed by Bur and Klakhta in 1727, Klakhta in 1768, and the Klakhta protocol in 1792. A half century later the Russian press southeastward was resumed under Count Nikolai Muraviev-Amursky, the Governor General of eastern Siberia, and his chief military aide, Capt.

1963

CONGRESSIONAL RECORD — SENATE

16855

Gennadii Ivanovich Nevelskoi. Again there followed a consolidation of the Russian position, in the Treaty of Aigun of 1858. This agreement brought into Russian possession large areas of northeast Asia which had previously been under Manchu control.

Subsequently, Russia as well as other European powers and Japan exacted by guile, bribery, or naked power, special economic privileges and territorial concessions from weak and corrupt imperial officials of China. By this process, the Russians penetrated south into Manchuria, establishing themselves at Dairen and Port Arthur on the Yellow Sea by the end of the 19th century and penetrating Korea which had been for a long time in a tributary relationship with Peiping.

Since that high water mark, Russian influence in northeast Asia at the expense of China has fluctuated. In the face of a Japanese advance and the weakness of the early Soviet state, it receded. Under the communism of Stalin it advanced once more at the end of World War II. And under the communism of Khrushchev it receded once more after the Chinese Communists came to power in Peiping.

Our sources of information are insufficient to provide a clear delineation of where the present line of convergence may lie, as between Russian and Chinese influence in northeast Asia. We are not even sure of what the precise situation in this connection may be in Korea where we are deeply involved, let alone in Manchuria, of which we know very little. One thing is reasonably certain, however, the actual Russian-Chinese conversion does not bear much relationship to the border demarcations as shown on ordinary maps. It is also clear, in any event, that the convergence in the northeast is still much further south and east of any line which would have been recognized by a Ching emperor of the Manchu dynasty in the 17th century, the 18th or early 19th century.

The recent history of the Chinese-Russian convergence in northeast Asia has been affected, of course, by the appearance of Communist ideology in Russia and China. But sufficient experience is now accumulated to suggest that the future history of the region will hardly be dominated by this factor.

And the history of the northeast, a history of Russian advance and recession and advance—sometimes warlike and imperious and sometimes peaceful and conciliatory—finds parallels elsewhere in central Asia. During the last century, for example, Mongolia was entirely under nominal Chinese sovereignty. It was largely the efforts of Russians under the czars coupled with the weakness of the later Manchu-Ching Emperors which brought about a loosening of Chinese control over the vast stretches of land now identified as the Outer Mongolian People's Republic. And it was largely the same combination of Soviet strength and Chinese weakness under the Chinese National Republic which resulted in 1922, in the establishment of an Outer Mongolia, not only independent of China but brought progressively into a relationship, apparently in the nature of a protectorate, with the U.S.S.R.

South and west of Outer Mongolia we find in Sinkiang the same flow, ebb and flow of Russian influence. Here, as elsewhere there was for centuries a tradition of Chinese suzerainty over small principalities of tribal peoples. But here as elsewhere this suzerainty has been quite devoid of significance in the absence of strong Chinese central power to assert it. Thus, in the last century, the southwest edges of Sinkiang were chipped away and added to what is now the contiguous territory of the U.S.S.R. And even as recently as World War II the

Russians exercised for a time something close to indirect domination over principal trading centers and caravan junctions in Sinkiang.

Especially, since the advent of Chinese Communist control over the mainland, the line of convergence as between Russia and China in the Sinkiang area has apparently been pushed back westward once again. But how far and how firm this recession of Soviet influence has been, we do not really know with any degree of accuracy.

To recapitulate, Mr. President, I have sought to point out to the Senate, that, historically, there has been not a fixed but a shifting and uncertain line of convergence between Russia and China in the inner recesses of the Asian Continent. This line, Mr. President, is not necessarily the border as shown on contemporary maps but rather the changing extremity of the eastward and southward reach of Russian influence and the westernmost and northernmost extension of enforceable Chinese control.

Further, history indicates that while there have been periods of stalemate and recession, the overall pattern in the region for several centuries was that of Russian advance. It was an advance which paralleled roughly the spastic but steady decay of the Manchu-Ching dynasty through the reigns of a number of Emperors. And it drew strength from the debilitation of the successor Chinese Republic in World War II and the collapse of the Japanese intrusion on the Asian mainland in that conflict.

What prompts me to make these observations at this time, Mr. President, is that they may be of more than historic interest in the light of the present Sino-Soviet estrangement. This break comes at a time when there has emerged in Peiping once again, a strong centralization of Chinese power. To be sure, the government which wields this power proclaims its Marxism. Indeed, it claims to be more Marxist than Moscow. Yet insofar as Chinese Marxism is expressed in practice on the borders of China, it appears to bear a remarkable resemblance to classic Chinese dynastic policy.

There are strong indications, for example, that the present Chinese Government is not disposed to regard any of its borders—at least none fixed after the time of the advanced decay of the Ching dynasty—as permanently constricting on the outward extension of its power. That such is the case is indicated by the Chinese assertion in Korea, in Vietnam, in Laos, in Tibet, and beyond Tibet into Ladakh and the Northeast Frontier Agency at the two extremities of the Indian subcontinent.

What, then, of the Sino-Soviet border regions? Are these, too, to be affected by the reassertion of Chinese power? I have already referred to the recession of Soviet influence in Manchuria and Sinkiang, although to what extent and how voluntarily it has occurred, we do not know with any degree of precision. But whatever its extent, it would be a relatively minor recession should the Chinese assertion against the U.S.S.R., in time, parallel its policies with regard to Korea, southeast Asia, and the Chinese-Indian border region. If there is this parallel then the Chinese claim against the U.S.S.R. could conceivably extend out of Sinkiang, through the Soviet Pamirs to Afghanistan. It could also embrace all of Outer Mongolia and the Soviet Maritime Provinces along the Pacific. For these areas fell within the reach of Manchu China in the heyday of the dynasty.

It is interesting to note in this connection, Mr. President, that when Mr. Khrushchev, late last year, taunted the Chinese Communists for accepting the presence of colonialists in Taiwan, Hong Kong, and Macao while urging him to act against the United States, he was answered in an editorial on March 8 in the Chinese People's Daily and Red Flag which reads in part as follows:

"During the hundred or so years preceding the victorious Chinese revolution, the colonial and imperialistic powers—the United States of America, Great Britain, France, czarist Russia, Germany, Japan, Italy, Austria, Belgium, the Netherlands, Spain, and Portugal—became unreservedly engaged in a campaign of aggression against China. They imposed on the various regimes of the old China numerous unequal treaties: The Treaty of Nanking in 1842; the Treaty of Aigun in 1858; the Treaty of Tsientsin in 1858; the Treaty of Peiping in 1860; the Treaty of Il in 1881; the Convention for the Extension of Hong Kong in 1898; the Treaty of 1901; etc. By virtue of these unequal treaties, they annexed Chinese territory in the north, south, east, and west; or they caused territories to be ceded to them on lease along the coast of China and even in the Chinese hinterland. When the People's Republic of China was founded in 1949, our Government clearly stated its intention of eventually reexamining all the treaties concluded by previous Chinese regimes with foreign governments and, according to their respective texts, either recognizing, denouncing, revising or renegotiating them at the appropriate time."

Note, Mr. President, the reference in this catalog of unequal treaties to the Treaty of Aigun which fixed the present-day boundaries in Manchuria at China's expense and to Russia's advantage. And note in conjunction therewith this paragraph in the same editorial:

"Certain persons (an obvious reference to Mr. Khrushchev) would like us to raise the question of the unequal treaties here and now . . . Have they realized what the consequences of this might be?"

The implication is clear, Mr. President. The Chinese regard certain Soviet territories, no less than Hong Kong and Macao and Formosa, as having been taken inequitably from China and subject, therefore, to Chinese claim.

Now, Mr. President, I do not wish to leave the impression that China is about to embark upon a general war with Russia to bring back into the historic embrace of Peiping, certain lands along the inner Asian borders. But I do suggest that the arrow tips of Chinese influence are already pointed outward from Peiping into these sparsely inhabited regions whose predominant population is neither Chinese nor Russian but Mongol and other tribal peoples. Many techniques are already apparently operating to this end, including the Chinese aid programs in Outer Mongolia and the organization of autonomous tribal groupings on Chinese territory. Certainly, such limited information as we have with respect to the region hints at the likelihood that the Chinese arrows have begun to prick the Russians in these remote regions.

I would suggest further, Mr. President, that Soviet foreign policy is not formed in ignorance of these recent developments or the history which I have just recounted, or of the actions of the Chinese in southeast Asia and on the Indian border. And there is no reason to assume that, because it is Communist, Russian foreign policy is concerned any less with such considerations than might be the case with the foreign policy of any other nation.

I would suggest, finally, that it is becoming apparent that we have been in error in assuming for so long that the iron hand of Moscow was so unshakably fixed on Peiping that it had superseded all other factors for all time in the considerations of the Communist leaders in China. Theoretical Communist world unity, whatever its weight, has not replaced certain enduring factors in the relationships of Russia and China as they are indicated to us by history.

And one of these factors, perhaps the most significant, as I have tried to explain to the

Senate today, is the convergence of Russian and Chinese influence in the vast inner recesses of Asia. The problems which are posed by the convergence are not essentially those of Marxist theory. Any they certainly are not those of a common border dispute, that is, whether to move the markers a few yards or a few miles in one direction or the other. What is involved is the ultimate disposition and utilization of a reserve of millions of square miles of territory largely devoid of human habitation.

This land and its contents constitute an enormous and largely unexplored and unexploited resource. Heretofore, it may have been of minor importance because of the inadequacies in techniques of modern development and transportation, particularly in that part of the world. But with the rapid dissemination and multiplication of these techniques, the region grows rapidly in significance to the two great peoples which converge upon it. And it grows, too, in significance as the population of China, already in the vicinity of 700 million, and growing at the rate of 13 to 15 million a year, expands explosively and presses ever more heavily on limited resources even for a bare minimum of food, clothing, and shelter.

So, Mr. President, if we wish to understand fully the motives of the Soviet Union in seeking a nuclear test ban treaty, we ought not to overlook the factor of the Sino-Soviet convergence, a factor which is clearly indicated by history but which cannot be weighed accurately without a better understanding of what is presently transpiring in interior Asia.

In any event, it would be unwise to dismiss the likelihood of a growth of tension at various points of contact along the thousands of miles of this vague frontier. Some might anticipate with relish the prospects of these clashes, even if they were nuclear. That prospect might be bent and twisted, I suppose, into an argument against the proposed treaty to ban nuclear tests.

But that, Mr. President, would be a most distorted view of nuclear realities and contemporary international relations. For if the flames of a great nuclear conflagration are lit, it will matter little who holds the match or where in the world it is struck. Even the vastness of central Asia would be insufficient to contain the holocaust or to confine it to the two massive Communist powers of Eurasia. No, Mr. President, the probability of increasing tension in the Sino-Soviet convergence, as in the case of all significant international tensions, is one more reason for seeking to bring about rational control over the growth and spread of the immense destructive power of nuclear weapons.

Rather than an argument against this treaty, then, this probable tension in Sino-Soviet relations is an argument for this Nation to seek to improve its comprehension of the actual situation which exists in central Asia. For that region and what transpires in it is likely to have a most profound significance in a world in which the peace and security of this Nation is closely interwoven with that of all others.

[From the Baltimore (Md.) Sun, Sept. 6, 1963]

PEIPING ACCUSES MOSCOW OF PLOT TO STIR UPRISING IN CHINA AREA, SEES TWO NATIONS ON BRINK OF SPLIT

Tokyo, September 6.—The Chinese Communists accused the Soviet Union today of trying to foment an uprising in Red China with the aid of tens of thousands of Chinese in a remote Sinkiang-Soviet borderland. They said Soviet-Chinese relations have reached "the brink of a split."

The Chinese reported the alleged Soviet Trojan horse plot against Red China in

broadcasts which said differences in the international Communist movement have reached "a new stage" of unprecedented gravity.

A broadcast monitored here said the Russians admitted tens of thousands of Chinese into Soviet territory last year in an attempt to overthrow the Chinese local government at Ili, a district bordering the Soviet Union in northwest Sinkiang Province. The area in central Asia was occupied by Imperial Russia in 1861-1870.

FIRST MENTION

The accusation was the first mention of incidents along the thousands of miles of border separating the squabbling giants of communism.

The radio said the Chinese were "allured" or "threatened" to induce them to join a plot by Soviet officials in Sinkiang under order of the Soviet Communist Party. It gave no other details of the alleged plot except to say that the Chinese Government had made several protests to the Russians for the return of the Chinese and had been refused.

The matter has not been settled, it added. Peiping accused the Kremlin of fostering a "two Chinas" policy. In the new massive verbal attack on the Soviet leadership the Chinese also took the credit for the crushing of the Hungarian revolt in the fall of 1956.

SOVIET TAUNT

From the Moscow side of the verbal barricades came a taunt from Ilya Ehrenburg, Soviet writer, that the Chinese are bent on instigating a global nuclear conflict which they would sit out as spectators and hope to survive as victors.

Peiping's charges were in broadcasts of a statement published in both the official People's Daily and the Communist Party's theoretical journal, Red Flag. The statement was in answer to Moscow's July 15 accusation that China was trying to set up new world headquarters for communism in Peiping and split the world along racial lines.

The Chinese charged that in 1956, "at the critical moment when the Hungarian counterrevolutionaries had occupied Budapest," the Soviet leaders for a time "intended to adopt a policy of capitulation and abandon Socialist [Communist] Hungary to counterrevolution."

"We insisted on the taking of all the necessary measures to smash the counterrevolutionary rebellion," the Chinese said.

Soviet tanks and troops crushed the revolution with an attack on Budapest in November 1956.

The Chinese claimed Premier Khrushchev proposed 4 years ago that they accept the "two Chinas" theory and acknowledge the rule of the Nationalists on Formosa. As far as the record shows at the United Nations, however, Russia has violently opposed the "two Chinas" formula for resolving the question of Chinese representation.

The Chinese charge was contained in a little-noted section of Peiping's reply Sunday to Soviet charges August 21 that Communist China's enmity resulted from a Soviet refusal to give that country atomic weapons.

The statement also repeated claims that Soviet leaders had raised the quarrel from the Communist Party to Government level. The border troubles, recall of Soviet specialists and tearing up of hundreds of contracts proved this, it said.

It also repeated charges of "great power chauvinism"—another way of writing, "Do what I say because I'm stronger than you"—against the Russians and accused them of otherwise violating the norms of interparty relations.

There was no immediate Soviet reply to the Chinese charges and the grave assessment of relations.

The official Government newspaper Izvestia, however, kept up the drumfire of Mos-

cow's propaganda against China. It spoke of the "empty talk of the Chinese leaders" and alleged their view was that "Communist society will be made up of people who have lofty ideals but empty stomachs."

"It is difficult to conceive a greater mistake," Izvestia wrote.

A WHOLE SERIES

The Chinese editorial said the Soviet "errors are not just accidental, individual and minor errors, but a whole series of errors of principle which endanger the interests of the entire Socialist camp and international Communist movement."

It said they dated from Khrushchev's denunciation of Stalin at the 20th Congress of the Soviet Communist Party in February, 1956, and his simultaneous proclamation of a new Communist dogma—that war is no longer inevitable.

After boasting of how hard their own leaders had tried to avoid a split, the core of the Chinese article said:

"Nevertheless, the CPSU (Communist Party of the Soviet Union) leaders are determined 'to go our own way' and have pushed Sino-Soviet relations to the brink of split and have carried the differences in the international Communist movement to a new stage of unprecedented gravity."

RENEGADE TITO

The article bitterly accused the Soviet Union allying itself "with the United States against China" and also with the "renegade Tito" (President Tito of Yugoslavia).

One of the ways the Kremlin tried to curry favor with the United States, Peiping's Sunday statement said, was recommending acceptance of the Nationalist regime on Formosa.

The Chinese Government said Khrushchev made his suggestion in October 1959, following his visit to the United States. Shortly after his return he went to Peiping for secret talks with Mao Tse-tung, Chinese Red boss, during Red China's 10th anniversary celebrations.

Such a Khrushchev proposal could account for the extraordinary chill which descended on the Peiping visit and the absence of a formal communiqué when it ended.

Khrushchev is said to have compared Formosa to the Far Eastern Republic which existed between 1920 and 1923 after the Russian Revolution, and to have noted that Lenin had recognized it. It eventually was taken over by Russia.

CHINA BUILDS DEFENSES ON ITS RUSSIAN BORDER

HONG KONG, September 5.—Communist China has sent 300,000 students to build defenses in Sinkiang Province bordering the Soviet Union, the South China Morning Post reported today.

The British-owned, English-language paper quoted a refugee from Red China as saying the volunteers included more than 30,000 students from Shanghai who responded "to have something to do." Most were junior middle school students who couldn't get into senior middle schools because of limited accommodations, he said.

[From the Washington (D.C.) Post, Sept. 6, 1963]

PEIPING SEES SPLIT WITH RUSSIA NEAR AFTER BORDER PLOT

Tokyo, September 6.—Communist China said today that its relations with the Soviet Union have reached "the brink of split," in part because the Russians have been "provoking troubles on the Sino-Soviet border."

A Peiping broadcast monitored here charged that last April and May there was a Soviet plot to overthrow a local Chinese district government in the Ili district in Sinkiang Province, which borders on the Soviet Union.

1963

CONGRESSIONAL RECORD — SENATE

16857

The Peiping radio broadcast the charge in a long statement that declared that differences in the Soviet-Chinese relationship have reached "a new stage of unprecedented gravity."

The broadcast also charged that the Soviet Union wanted to "adopt a policy of capitulation" in the 1956 Hungarian revolution, but gave up the idea under strong Chinese pressure.

FIRST REVELATION

The border row, the first to be formally revealed by either nation, involved tens of thousands of Chinese who were admitted into Soviet territory, it was alleged, in April and May 1962.

The radio said the Chinese were "allured" or "threatened" to induce them to join a plot by Soviet officials in Sinkiang under order of the Soviet Communist Party. It gave no other details of the alleged plot except to say that the Chinese Government had made several protests to the Russians for return of the Chinese and had been refused.

The matter has not been settled, it added.

The radio quoted an article jointly published by the editorial departments of the official People's Daily and the theoretical journal Red Flag.

The statement answered Moscow's July 15 accusation that China was trying to set up a new world headquarters for communism in Peiping and split the world along racial lines.

FLIGHT WAS REPORTED

The Washington Post reported last June that between 50,000 and 70,000 refugees from Communist China had fled into the Soviet Union in the spring of 1962. At the same time, groups of Chinese clamored in front of the Soviet consulate at Kuldja, in Sinkiang Province, demanding arms to fight the Peiping regime, but apparently none were given them. Kuldja is the main city in the Ili District.

The border district of Ili was occupied by Imperial Russia for 10 years, 1861-70, and then reverted to central Asia somnolence. The district was attached in 1944-50 to a makeshift East Turkestan Republic. The main town, Kuldja, home of about 150,000 people, trades in tea and cattle, has industries such as tanning and textiles, and there are iron and coal mines about.

The Chinese article also claimed that for a time during the 1956 Hungarian revolt, the Russians "intended to abandon Socialist Hungary to counterrevolution."

"The Chinese Communist Party at that time resolutely opposed these erroneous methods and advanced correct suggestions," it said.

The Russian leaders, it said, adopted these suggestions, "but subsequent events showed that they nursed rancor against the Chinese Communist Party."

"CHAUVINISM" CHARGED

It said the Soviet Party had also committed "the error of great-power chauvinism" in handling "incident in Soviet-Polish relations" in the same period.

During the Hungarian revolt, the Soviet Union for a time did appear to be trying to come to terms with the regime of Imre Nagy by sending Deputy Premier Anastas I. Mikoyan to Budapest for secret talks. But after Nagy said he would take Hungary out of the Warsaw Pact, Red army tanks were sent into the country and the revolt was crushed in a blood bath. Nagy later was executed.

In Poland, however, Wladislaw Gomulka, then as now the No. 1 Communist, reportedly threatened to go on the air and call for an uprising against the Red army. Premier Nikita S. Khrushchev apparently backed down and permitted the Gomulka regime, which had come to power in the October revolt against former Stalinist rulers, to remain in office.

The article said Khrushchev "took the lead in organizing a large-scale surprise onslaught on the Chinese Communist Party" at the Rumanian Communist Party congress at Bucharest in 1960.

The Chinese delegation there signed a communique after the meeting "for the sake of the larger interest," but distributed a statement saying the future of communism "will never be decided by the baton of any individual."

CRITICISM REPORTED

At the Soviet Party congress in 1961, the article said, when Soviet leaders attacked the policies of the Albanian Party, Chinese Premier Chou En-lai "frankly criticized the errors of the leadership of the Soviet Communist Party in subsequent conversations with Khrushchev."

But Khrushchev flatly turned down these criticisms and advise, and openly said: "We shall go our own way."

The Chinese warning of a possible break between Moscow and Peiping was the most somber picture painted yet of relations between the two Red giants.

In its latest article, Peiping also accused the Russians of enlarging the Soviet-Chinese quarrel to government level.

"Having failed to subdue the Chinese Communist Party, the leaders of the Communist Party of the Soviet Union took a series of steps to extend the ideological differences between the Soviet and Chinese Parties to the sphere of state relations—the recall of all the Soviet experts in China, the tearing up of hundreds of agreements and contracts, and the provoking of troubles on the Sino-Soviet border," the article said.

It also said "the past 7 years have amply proved that the road taken by the leadership of the Communist Party of the Soviet Union is the course of allying with imperialism against socialism, allying with the United States against China, allying with the reactionaries of all countries against the people of the world, and allying with the renegade Tito (President Tito of Yugoslavia) clique against fraternal Marxist-Leninist parties."

DANGER SEEN WIDE

Peiping said the Soviet "errors are not just accidental, individual and minor errors, but a whole series of errors of principle which endanger the interests of the entire Socialist camp and international Communist movement."

It said they dated from Khrushchev's denunciation of Stalin at the 20th congress of the Soviet Communist Party in February 1956, and his simultaneous proclamation of a new Communist dogma—that war is no longer inevitable.

After boasting of how hard their own leaders had tried to avoid a split, the core of the Chinese article said:

"Nevertheless, the CPSU (Communist Party of the Soviet Union) leaders are determined 'to go our own way' and have pushed Sino-Soviet relations to the brink of split and have carried the differences in the international Communist movement to a new stage of unprecedented gravity."

TAIWAN MOVE NOTED

One of the ways the Kremlin tried to curry favor with the United States, was recommending acceptance of the Nationalist regime on Taiwan, the article said.

This charge was contained in a little-noted section of Peiping's reply last Sunday to Soviet charges August 21 that Red China's enmity resulted from a Soviet refusal to give China atomic weapons.

In the Sunday reply, Peiping said Khrushchev made his "two-China" suggestion in October 1959, after his visit to the United States. Shortly after his return, he went to Peiping for talks with Mao during Red China's 10th anniversary celebrations.

Such a Khrushchev proposal could account

for the extraordinary chill that descended on the Peiping visit and the absence of a formal communique when it ended.

Khrushchev is said to have compared Taiwan to the Far Eastern Republic that existed between 1920 and 1922 after the Russian revolution, and said that Lenin had recognized it. It eventually was taken over by the Soviet Union.

The Far Eastern Republic was a buffer state that had a semiautonomous existence from late 1920 until it was merged into the Russian Federated Republic in November 1922. It was under Soviet control and had the closest possible relations with the Soviet Union before the formal merger.

SUNDAY STATEMENT

Peiping's Sunday statement said:

"We have not forgotten and will not forget what the Soviet leader, Khrushchev, said about the question of Taiwan after his visit to the United States in October 1959."

"He said the question of Taiwan was an incendiary factor in the international situation and that because the United States supported Chiang Kai-shek and the Soviet Union supported China, there resulted the atmosphere of an imminent great war. But what the Soviet Union stood for was the creation of all conditions to ease international tension and eliminate war."

"He further said that there was more than one way to solve every complicated question, depending on what basis you took. For example, after the October revolution, there was established in the Soviet Far East the Far Eastern Republic, and Lenin recognized it at the time; this was a temporary concession and sacrifice, but later on it was united with Russia."

"The meaning of this statement by the Soviet leader was quite clear. To put it bluntly, this was to ask China to agree to the U.S. scheme of creating two Chinas."

"This absurd view, of course, was rebutted and rejected by China, whereupon the Soviet leader made a series of speeches hinting that China was 'craving for war like a cock for a fight, and like Trotsky, wanted neither peace nor war.'"

The statement then charged that "in accordance with the procedure mutually agreed upon by the Soviet Union and the United States," Chiang Kai-shek's Nationalist China has signed the nuclear test ban treaty "and is swaggering as if it were sovereign state."

The Chinese further charged that not only had Khrushchev asked Red China to sign the treaty, which it has refused to do, "thus to create a situation of two Chinas," but "he also has threatened that if the Chinese Communist Government opposed this treaty and refused to be bound by it, the United States would help the Chiang Kai-shek clique to manufacture nuclear weapons. It turns out that in order to 'save millions of Chinese from nuclear death,' one China has to become two Chinas."

[From the New York Times, Sept. 6, 1963]

PEIPING ACCUSES MOSCOW OF PLOT

TOKYO, September 6.—Communist China accused the Soviet Union today of having marshaled tens of thousands of Chinese in a plot to overthrow the regional government of a district along the Soviet border.

The Peiping radio, reporting a new attack on Soviet policies by the Chinese Communists, said that the Soviet Union's actions had brought the relations between the two countries to the brink of a split.

The differences in the international Communist movement, the broadcast said, have reached a "new stage of unprecedented gravity."

The Peiping radio said the Russians admitted thousands of Chinese into Soviet territory in the spring of 1962 in an attempt to overthrow the local government at Ili, a district in northwest Sinkiang Province.

16858

CONGRESSIONAL RECORD — SENATE

September 23

The broadcast quoted an article published by the Peiping newspaper Jenmin Jih Pao and the magazine Hung Chi, both official organs of the Chinese Communist Party.

The article was in reply to a Moscow accusation, published July 15, that China was trying to set up new world headquarters for communism in Peiping and split the world along racial lines.

In the border incident, the Russians were said to have lured or threatened the Chinese to join the plot.

The broadcast gave no other details of the alleged plot except to say that the Chinese Government had made several demands to Moscow for the return of the Chinese and had been rebuffed.

[From the New York Times, Sept. 6, 1963]

ARTICLE DENOUNCES MOSCOW

HONG KONG, September 5.—Communist China accused the Soviet Union today of deliberate policies to aggravate relations between the two countries.

The charge was made in an article jointly prepared by the newspaper Jenmin Jih Pao and the magazine Hung Chi, organs of the Central Committee of the Chinese Communist Party.

Hsinhua, the Chinese Communist press agency, reported that the article was the first in a series commenting on the Soviet Communist Party's open letter, published July 14, attacking Chinese Communist policies.

The first article in Peiping's reply, Hsinhua said, consists of more than 20,000 Chinese characters and "cites a vast number of documents and irrefutable facts to show that since the 20th Congress of the Soviet Communist Party (1956) the process in which Soviet leadership has gone further and further down the road of revisionism and "splitism" is the very process that has widened and aggravated the differences in the international Communist movement."

The facts of the last 7 years have amply proved, the article continued, that the Soviet leadership has taken the course of "allying with imperialism against socialism, allying with the United States against China . . . and allying with the renegade Tito clique against fraternal Marxist-Leninist parties."

The Chinese Communists said that the widening breach in the international Communist movement had begun at the 20th congress. It was at this meeting of the Soviet Communist Party that Premier Khrushchev exposed to the delegates the extent of Stalin's repressions and abuses of power.

From the outset, the article added, the Chinese have held that a number of the views advanced at the congress, "particularly the complete negation of Stalin and the thesis of 'peaceful transition' are gross errors of principle."

Hsinhua said the article exposed the "error of great power chauvinism" committed by the Soviet leadership in attempting to suppress the liberalization movement in Poland in the face of 1956. At that time, Premier Khrushchev and other Soviet leaders made a hasty flight to Warsaw in an attempt to prevent Wladyslaw Gomulka, a nationalist, from taking over the leadership of the Polish Communist Party.

CAPITULATION CHARGED

The article accused Moscow of capitulation in its shortlived acceptance of the Imre Nagy regime set up during the Hungarian revolt in 1956. After several days the Russians violated their pledge to negotiate an agreement, crushed the rebellion and arrested Mr. Nagy. He was executed in 1958.

"With regard to the counterrevolutionary rebellion in Hungary," the article said, "for a time Soviet leadership intended to adopt a policy of capitulation and abandon So-

cialist Hungary to counterrevolution." The Chinese Communist Party at that time resolutely opposed these erroneous methods and advance correct suggestions."

The article said the Soviet leaders has accepted the Chinese suggestions "but subsequent events showed that they nursed rancor against the Chinese Communist Party and regarded its perseverance in proletarian internationalism as the biggest obstacle to the Soviet party's wrong line."

The article was the first indication by Peiping that it had urged the use of force to put down the Hungarian rebellion.

The latest attack on the Soviet leadership by Peiping repeats many of the accusations made in the course of the deterioration of relations between the two countries, but it did give a few new glimpses of behind-the-scenes developments.

ISSUES DISCUSSED IN 1961

Referring to the Soviet party's 22d congress in 1961, at which the Albania Communists regime was first publicly attacked by Soviet bloc leaders, the article said that Premier Chou En-lai, who defended the Albanians, had "frankly criticized the errors of the leadership of the Soviet Communist Party in subsequent conversations with Khrushchev."

"But Khrushchev flatly turned down these criticisms and advice," the article added, "and openly stated that 'We shall go our own way,' showing not the slightest intention of mending their ways."

The Chinese press agency said the article listed 10 main facts to show that since the 22d congress the Soviet leadership had become "more unbridled in violating the principles guiding relations among the fraternal parties and countries and in pursuing policies of great power chauvinism, sectarianism and splitism to promote its own line of revisionism."

The article appealed to the Soviet leadership to "correct its errors and return to the path of Marxism-Leninism."

[From the New York Herald Tribune, Sept. 6, 1963]

BATTLING RED GIANTS—AT THE BRINK

TOKYO.—Communist China harshly accused the Soviet Union yesterday of pushing the two Communist giants "to the brink of split" by committing "a whole series of errors of principle."

Couching its charges in the peculiarly stilted language of Marxist vituperation, Peiping broadcast a detailed and lengthy indictment of Moscow and warned that differences within the international Communist movement have reached "a new stage of unprecedented gravity."

The 2-hour radio broadcast, monitored in Tokyo, was an English translation of a 20,000-character editorial statement printed simultaneously yesterday by Peiping's official People's Daily and the theoretical journal Red Flag.

As news of the double-barreled attack on the Kremlin reached the West, there were also reports of an unprecedented anti-Chinese demonstration in front of Peiping's Embassy in Moscow.

Heading the list of Chinese grievances against the Soviets was the charge of "provoking troubles on the Sino-Soviet frontier." This was the first official acknowledgment of incidents along the thousands of miles of shared border between the two countries.

But there have been rumors of trouble in China's Sinkiang Province, and Peiping yesterday accused Moscow of attempting to overthrow the local government at Ili, a district bordering the Soviet Union in the northwestern corner of Sinkiang.

The radio said tens of thousands of Chinese were admitted to Soviet territory in fur-

therance of the plot in April and May of 1962. Peiping's request for the return of the Chinese had been refused, it added.

In Hong Kong yesterday, the English-language South China Post published a report from a Red Chinese refugee that 900,000 students have been sent to Sinkiang to build defenses.

But the Sinkiang question was only one point in a bill of particulars stretching back to 1956. The joint article yesterday was the first of a series catchily entitled "The Origin and Development of Differences Between Ourselves and the Communist Party of the Soviet Union."

Moscow's "errors of principle" began, according to the Peiping broadcast, as long ago as 1956, at the 20th Congress of the Soviet Communist Party. "From the very outset," it said, China opposed "the complete negation of Stalin and the thesis of 'peaceful transition'" as "gross errors."

Yesterday's broadcast also charged that Soviet Premier Khrushchev was ready to compromise with the rebels in Hungary in 1956 but yielded to Chinese insistence that the uprising be put down: "The Chinese Communist Party at that time resolutely opposed these erroneous methods and advanced correct suggestions."

The broadcast continued: "The past 7 years have amply proved that the road taken by the leadership of the Communist Party of the Soviet Union is the course of allying with imperialism against socialism, allying with the United States against China, allying with the reactionaries of all countries against the people of the world and allying with the renegade Tito clique against fraternal Marxist-Leninist parties."

The entire sweeping denunciation of Soviet policy was a counterchallenge to Moscow's open letter of July 14, which accused Peiping of trying to split the Soviet bloc and submovement. Since then, of course, Premier Khrushchev has gone out of his way to mend his fences with the "renegade" President Tito of Yugoslavia.

"Having failed to subdue the Chinese Communist Party," yesterday's broadcast continued, the Russians moved "to extend the ideological differences . . . to the sphere of state relations." Besides the border provocations, this stage included the withdrawal of Soviet experts in China and the "tearing up of hundreds of agreements and contracts."

The broadcast also gave broader emphasis to a charge that Chinese first made last Sunday—that Premier Khrushchev proposed 4 years ago that Peiping settle for "two Chinas" and acknowledge Nationalist control of Formosa. The proposal was made, the Chinese said, after Mr. Khrushchev visited the United States in 1959.

In Moscow, where there was no reply to the Chinese propaganda fusillade, the Chinese Ambassador's limousine was parked outside the Soviet Foreign Ministry yesterday. The Chinese earlier had protested a demonstration at the Embassy by a score of Moscow University students urging the Chinese to sign the partial nuclear test ban treaty. The Chinese labeled the demonstration an "organized provocation."

AUTHORIZATION FOR PRINTING
A SPEECH IN THE RECORD TO-
MORROW

Mrs. SMITH. Mr. President, I ask unanimous consent that I may be permitted to have printed in the Record tomorrow, Tuesday, September 24, my statement on the test ban treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Senate

MONDAY, SEPTEMBER 23, 1963

The Senate met in executive session at 10 o'clock a.m., and was called to order by the Vice President.

Dr. Morris Silverman, rabbi emeritus, Emanuel Synagogue, Hartford, Conn., offered the following prayer:

Father and Ruler of all mankind: In these days of confusion, conflict, and crisis, we turn to Thee for wisdom and guidance. Upon the President of these United States, the Vice President, and the Members of the Senate, we invoke Thy blessing. In the words of Thy Prophet Isaiah, may there rest upon them and upon all who exercise just and rightful authority

תהא עלי, רוח יהוה רוח חכמה ובינה
רוח עצה ויבורה רוח דעת ויראת יהוה

"Ru-ah A-do-nai, the spirit of the Lord; ru-ah hokh-mah u-vi-na, the spirit of wisdom and understanding; ru-ah e-tzah ug-vu-ra, the spirit of counsel and might; ru-ah da-at v'yir-at A-do-nai, the spirit of knowledge and the fear of the Lord."

O Thou, who hast created man in Thine own image, let us never forget that Thou art the Father of all, that we are all Thy children, and we are therefore all brothers. Help us then to realize that we all bear a measure of responsibility for the lawlessness and tragedies that have brought shame and sorrow to our beloved land.

O Lord, open the eyes of those blinded by hate and prejudice. Implant within them a new heart and a new spirit, so that every one of Thy children will be given the opportunity to live in dignity and freedom.

Grant us courage equal to our responsibility, and wisdom equal to our strength. Under Thy guiding spirit, may the world which, through the advance of technology, has become a close neighborhood, now, through spiritual and moral forces, become a true brotherhood.

We pray, O heavenly Father, that the test ban treaty, if accepted by this august body, will mark the first step in world disarmament and will lead to universal peace, a peace based on justice and understanding, a peace that will bring freedom and security to all mankind throughout the world. Amen.

THE NUCLEAR TEST BAN TREATY

The Senate resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater.

Mr. MANSFIELD. Mr. President, am I correct in understanding that the Senate is now operating under limited time?

The VICE PRESIDENT. The parliamentarian informs the Chair that the

Senate will be doing so when morning business is concluded.

Mr. MANSFIELD. Mr. President, I thought the order was that the Senate would resume its consideration of the treaty at 10 o'clock. I do not intend to ask for a morning hour.

The VICE PRESIDENT. The order reads "at the conclusion of routine morning business."

Mr. MANSFIELD. Mr. President, I do not intend to ask for a morning hour.

The VICE PRESIDENT. Then, if there is no morning business, morning business is closed.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes on the resolution of ratification.

The VICE PRESIDENT. The Senator from Montana is recognized for 5 minutes on the resolution of ratification.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, first, I ask unanimous consent that the Committee on Post Office and Civil Service be permitted to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

THE NUCLEAR TEST BAN TREATY

The Senate resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater.

Mr. MANSFIELD. Mr. President, I wish to use the remainder of my time to have a brief quorum call. I now suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Connecticut [Mr. Dodd] 20 minutes on the resolution of ratification.

Mr. DODD. Mr. President, almost 4 years ago I began a study of the question of nuclear testing, a study which has absorbed more time, energy, soul searching, and anguish than any other enterprise during my term in the Senate.

This inquiry led me into many controversies: first, in opposition to the unpooled test ban moratorium under the past and present administrations; then in opposition to some of the extreme proposals of ban-the-bomb groups; and

then in opposition to the comprehensive test ban agreement which our Government was attempting to negotiate with Great Britain and the Soviet Union.

These positions, in turn, led inevitably to a long series of speeches, debates, panel discussions, exchanges of correspondence, disputations with newspapers, discussions with our leading scientists and military figures—all of which made me painfully familiar with the arguments, philosophies, mysticisms, and opinions of all sides.

My opposition to previous test ban proposals was based upon one defect in these proposals—the absence of any real assurance that the Soviets would not test in secret, thus gaining critical advantages over us.

Clear vindication seldom comes in any dispute of this kind, and I do not claim it in these cases. But throughout the hearings and the floor debate on this treaty, it has been rather generally conceded that during the period of the moratorium, we lost our nuclear supremacy to the Soviets in important areas. In retrospect, I think few would deny that the moratorium was a grave mistake.

And the comprehensive test ban treaty has been abandoned. One of the reasons for its abandonment was the certain knowledge that such a treaty could not be confirmed by the Senate, because of its hazard to our national security.

The posture of being opposed to nuclear disarmament measures has always been an unhappy one. Like others in opposition, I was an object of the eiphets, the cartoons, and the lampoons which the militant pacifists, in their supreme confidence of moral superiority, like to visit upon those who disagree with them. And, of course, there was the more venal abuse from Communist and pro-Communist sources.

But that was the least of the problem. The worst of it was the nagging inner conflict arising from a surface contradiction between the requirements of national security and the common wishes and aspirations of humanity.

To protect life, we are engaged in a grim race to perfect the means of destroying it; to preserve peace, we are engaged in a deadly competition to improve the means of waging war; to safeguard our security, we have plunged into an era of military technology which threatens to make security a meaningless term for everyone.

I was able to resolve these contradictions then, and can resolve them now, because of my conviction that the security and the survival of the United States constitute the indispensable precondition for the preservation of all the human values which we cherish.

Yet, from the beginning, I felt a heavy responsibility to seek an approach to nu-

1963

CONGRESSIONAL RECORD — HOUSE

16793

By Mr. THOMPSON of Louisiana:

H.R. 8533. A bill to permit the vessel *SS Sokna* to be documented for use in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

307. By Mr. SHRIVER: Petition of the Executive Committee of the Kansas Junior Chamber of Commerce opposing the passage of the domestic peace corps bill; to the Committee on Education and Labor.

308. By the SPEAKER: Petition of Burr Vall, manager, Stowe Area Association, Inc., Stowe, Vt., going on record as favoring the continued service of Northeast Airlines from New England and New York to Florida; to the Committee on Interstate and Foreign Commerce.

309. Also, petition of Robert W. Meserve, president, Boston Bar Association, Boston,

Mass., relative to approving the civil rights bill pending in the Congress, including the provision relating to public accommodations, and urging the Senators and Congressmen from Massachusetts to support passage; to the Committee on the Judiciary.

310. Also, petition of Henry Stoner, Canyon Station, Wyo., asking Congress to pass a resolution praising Secretary of State Dean Rusk for his recent speech before the American Legion convention in which he pointed out that governments should be derived from the consent of the governed; to the Committee on Foreign Affairs.

311. Also, petition of Henry Stoner, Canyon Station, Wyo., relative to adopting a resolution requesting the Committee on Foreign Affairs to reexamine the advisability of having the United States at the United Nations to continue efforts to keep Red China out of U.N. membership, in view of the imminence of their development of nuclear warheads; to the Committee on Foreign Affairs.

312. Also, petition of Henry Stoner, Canyon Station, Wyo., relative to the Congress

requiring to be published as a House document a study to be entitled "U.S. Federal Subsidies and Special Concessions to Big Business and Financial Institutions Throughout the Nation"; to the Committee on House Administration.

313. Also, petition of Henry Stoner, Canyon Station, Wyo., relative to Congress adopting a resolution to condemn the church bombing in Birmingham, Ala.; to the Committee on the Judiciary.

314. Also, petition of Henry Stoner, Canyon Station, Wyo., relative to Congress holding an inquiry to determine the constitutional eligibility of Mexican-born Gov. George Romney, of Michigan, for the Presidency of the United States; to the Committee on the Judiciary.

315. Also, petition of Henry Stoner, Canyon Station, Wyo., requesting Congress to pass legislation requiring a permanent commemorative postage stamp for Yellowstone National Park; to the Committee on Post Office and Civil Service.

September 23, 1963

CONGRESSIONAL RECORD — SENATE

16795

clear disarmament which would reduce the specter of nuclear annihilation, would give expression to our highest national purposes, would meet our obligation for moral leadership, would give relief to the troubled millions of the world, and would do all these things without endangering our national security.

For 3 years, I have been advocating the prohibition of nuclear testing in the atmosphere and underwater. On May 27 of this year I restated this proposal in the form of a Senate resolution and introduced it with the cosponsorship of 33 other Senators.

The treaty before us today resembles that resolution in that it prohibits nuclear tests that contaminate the atmosphere or the oceans; it differs from that resolution in that it also prohibits testing in space, and it cripples the development of programs for the peaceful uses of atomic energy.

The virtues, defects, and limitations of this treaty are by now well known to all who have followed this debate.

Its virtues are that it hinders the development of superweapons of destruction; it substantially reduces the danger of radioactive fallout; it impedes, somewhat, the spread of nuclear weapons; it demonstrates our peaceful purposes and thus robs the Communists of an effective propaganda weapon; and it opens an avenue toward further negotiation which could bring us a little further along the path to peace.

Its defects are that it gives certain advantages to the Soviets in that it prohibits testing in those areas where they are slightly ahead of us and it allows testing in those areas where they are slightly behind us; it permits testing in outer space, testing which is technically possible but which at present is undetectable, thus opening us to the danger of secret Soviet violations; and it prohibits the kind of testing necessary to develop the peaceful uses of atomic energy.

Its limitations are that it does not prohibit the spread of nuclear weapons to those nations most likely to produce them; it does not reduce nuclear stockpiles; it does not halt the production of nuclear weapons; it does not restrict their use in time of war.

After weeks of balancing the virtues, defects and limitations of this treaty against each other, against the needs of our national defense, and against the hopes and fears of mankind, I have decided to vote for the treaty. I believe that the good in it outweighs the bad.

The precondition of my support is my belief that this treaty does not seriously endanger our national security. If I felt otherwise I could not support the treaty under any circumstances.

I am influenced to support the treaty for many reasons, in addition to the virtues I have described above.

Our national position as the leader in the struggle to preserve the values of Western civilization compels us to accept certain risks, disadvantages and dangers as the price of moral leadership.

In the great struggle to determine whether man will live in freedom or in

slavery, we are right and the Soviet Union is wrong. Being right is a source of infinite strength to us and will be the reason for our ultimate triumph. Being right is also a source of grave disadvantage in the mortal combat which the Communists have forced upon us.

We cannot employ the ruthless, treacherous, conscienceless tactics of our enemies.

We must conform our national policies to the higher moral purposes which form the foundation of our country and our civilization.

We must, if we are to prevail, make our appeal to the higher instincts of men; to their compassion, to their charity, to their love of justice, to their belief in the sacredness of human life. And we must, because we believe in these things, carry many burdens and take many risks that our professed enemies are not required to undergo. It is this that distinguishes us, in the final analysis, from the Communists and we must bear witness to that distinction even though by so doing we incur certain dangers.

The risk, of course, must be reasonable; but we will be always in the position, both in what we must do and in what we must refrain from doing, of carrying burdens and running risks out of our adherence to the right.

Another reason for supporting this treaty is that there is no practical alternative to ratification. To reject the treaty would disable us in many ways:

The administration would be estranged from the Congress on this issue and would doubtless turn to unilateral moratoriums, or else return to the 75 percent moratorium which characterized the pre-treaty period. This would be worse than the treaty.

The disarmament extremists, who have been temporarily neutralized by the treaty proposal, would gain control of the test ban movement and would launch a violent assault against our nuclear preparedness which might paralyze our whole program.

The Senate is confronted with three other situations which ought to have no part in our deliberations, but which must have a part because of the way the treaty was presented to the Senate as a virtual fait accompli.

If we reject it now, the Communists would launch a tremendously effective propaganda war against us as hypocrites and warmongers; the stature and leadership of the President, so important to the free world alliance, would be undermined by such a crushing rebuff; and the moral posture of our country and thus, in a sense, our capacity to lead, would be badly tarnished.

Beyond the advantages of ratifying the treaty and the disadvantage of rejecting it, there are a series of unqualified pledges that have been made by the President which have made it possible for me to support this treaty. They are of two kinds: pledges of future action on our part which reduce the risks to acceptable proportions; and pledges which clarify the disturbingly vague wording of the treaty on a number of points.

The President has made the following

solemn guarantees to the Senate which I believe are essential to the ratification of this treaty:

First, that there will be a vigorous underground test program; second, that our atmospheric facilities will be kept in a state of standby readiness; third, that we will take measures to assure the maintenance and vigor of our nuclear laboratories; and fourth, that we will move as rapidly as possible to improve our ability to monitor the terms of the treaty and to detect violations in the atmosphere, in space, and underwater.

The President and the State Department have also issued the following clarifications:

First, that the treaty involves no degree of recognition of the East German Government; second, that it will not prevent immediate recourse to nuclear arms in the event of hostilities; and third, that 90 days' notice of withdrawal will not be required if the Soviets should violate the treaty.

Two weeks ago I circulated among my Senate colleagues a series of understandings which I proposed to attach to our resolution of ratification. Three of these understandings sought to achieve what the President has since guaranteed. I, therefore, consider it unnecessary to offer them on the floor of the Senate, and I withdraw them.

A fourth understanding seeks the same objective as that sought by the distinguished senior Senator from Georgia [Mr. RUSSELL], who has drafted an amendment to guarantee the right of the Senate to pass on any amendment to this treaty.

I know that the Senator from Georgia [Mr. RUSSELL] is attempting to work out an agreement on this point, acceptable to all. I support him in his effort and shall not press my own amendment.

There is one final protection we have, and that is our right to withdraw from the treaty if we decide that extraordinary events have jeopardized the supreme interests of our country.

It is, of course, more difficult for a democratic country, with all its sensitivity to world opinion, to withdraw from such a treaty than it is for a totalitarian government. Nevertheless, let us keep in mind that the administration requested the insertion of this clause, on the recommendation of the Joint Chiefs of Staff. What this signifies to me is that the administration and the Joint Chiefs both recognize the possibility that some future combination of circumstances may make our withdrawal from the treaty imperative for reasons of national security. I believe that we should keep this affirmation in mind; and I believe that the Senate, once it consents to the ratification of the treaty, has the moral duty to reevaluate our position under the treaty at periodic intervals.

Mr. DOMINICK. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator yield?

Mr. DODD. I am happy to yield to my friend the Senator from Colorado.

Mr. DOMINICK. I should like to add to the statement the Senator is making

16796

CONGRESSIONAL RECORD — SENATE

September 23

as one of those who strongly support the Senator's understandings. It seems to me, in the process of considering the treaty, that the U.S. Senate is faced with a choice between evils. We do not face a choice between good and bad. We do not face a choice which permits a clear-cut decision either way.

I had hoped that the Senator would continue to press for his understandings, in order to write into the document itself what the Senate believes to be necessary in the process of endorsing the treaty.

Since Senators are not faced with a clear-cut decision, it seems to me, considering what the distinguished Senator from Georgia [Mr. RUSSELL] and the distinguished Senator from Mississippi [Mr. STENNIS] and the committee have said, that if we ratify the treaty we shall put ourselves in a posture of net military disadvantage. There is an evil on that side, which concerns people throughout the Nation. Yet, as the Senator has properly said, if we do not ratify the treaty we shall place into the hands of the international Communist conspiracy a weapon to use throughout the world which might be insurmountable so far as the free world effort to contain or to inhibit communism is concerned.

It seems to me we face a choice between evils. The question is, which is worse?

I have come to the conclusion—and I have made a public statement previously to this effect—that the greater evil would be not to ratify this treaty. I say that because the Communists have been gaining throughout the world, and particularly in the past 2 years, at enormous speed in various sections of the world, in the face of a clearly superior nuclear force in our possession. They have been doing this by infiltration and subversion, by propaganda, and by terror. They have been doing it in Cuba, throughout Latin America and South America, by these means.

I am sure the Senator is aware of the statements which have been made on the floor of the Senate as to the necessity for doing something about the Cuban situation, and doing it rapidly, before the same infiltration occurs throughout this hemisphere. For this reason it seems to me that a failure to ratify would be the greater of the two evils, but I am perfectly willing to concede that this is not necessarily the right conclusion, nor is it necessarily the opinion which many Senators will entertain.

I should like to ask the Senator a couple of questions, if he will yield for that purpose. Does not the Senator think that before the treaty was signed we should have insisted that the Russians live up to their agreement to remove their troops and weapons from Cuba? Does the Senator not think we should have insisted, before any other nation could sign the treaty, that the treaty be approved by the U.S. Senate?

Those are two questions on which I should like to have the opinion of the Senator.

Mr. DODD. I shall try my best to answer the questions.

I appreciate the support the Senator has given to the understandings I have submitted. I am sure the Senator un-

derstands my reasons for withdrawing them, which I have explained.

With respect to the question as to whether we should have insisted that the Russians withdraw their troops from Cuba before we agreed to this treaty, I am inclined to say "No." I think this is one matter which we have to take up on its own merits. I have not favored dragging in the Cuban situation, because I think it would not cure the Cuban trouble. It would only confound our problems with respect to a ban on nuclear testing in the atmosphere, in the oceans, and in outer space.

Would the Senator restate his second question?

Mr. DOMINICK. The second question was whether the other nations should have been permitted to join in on the treaty prior to approval by the U.S. Senate.

Mr. DODD. I fear that if we prevented other nations from signing, we would have put ourselves in an unfavorable light with the people of the world. It seems to me it would be presumptuous, and we might even be suspected of being arrogant if we announced we would not allow anyone else to agree to the treaty until we made up our minds.

I fear—I say to my friend from Colorado in all earnestness—that we would not look very good in the eyes of others if we followed such a course.

My view of this problem has been that we ought to look at it in the light of trying to reach an agreement, if possible, on the substance of the treaty, and not confuse the issue with extraneous questions.

I do not believe this is the best of all treaties, by any means. I do not believe anybody else does.

I summed it up about as well as I could when I said that the good in it outweighs the bad.

Mr. DOMINICK. I thank the Senator. Will the Senator yield further?

Mr. DODD. I am happy to yield. I do not have much time remaining, unless the majority leader will yield to me a few more minutes.

The VICE PRESIDENT. The time yielded to the Senator from Connecticut has expired.

Mr. FULBRIGHT. Mr. President, I yield the Senator 5 more minutes from the time on the treaty.

The VICE PRESIDENT. The Senator from Connecticut is recognized for 5 additional minutes.

Mr. DODD. I thank the Senator from Arkansas. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I thank the Senator. It seems to me that what we are not doing in this treaty is perhaps more important than what we are doing. I hope we are not fooling ourselves or any of the people of the United States into believing that this is a step toward peace, because I cannot see how this is a step toward peace.

I had the opportunity, as I am sure most other Senators had, to talk with Mr. Harriman at breakfast one morning after he had come back from the negotiations. I specifically asked him a question on that particular point. I am not

going to try to quote Mr. Harriman's reply exactly, because my memory is not that good, but his reply was to the effect that Mr. Khrushchev himself said at the meetings during the negotiations that no one should concede that this was a step toward peaceful coexistence within the terms of which we think, that it was merely a method of stopping the testing, and that the ideological conflict would continue worldwide.

It seems to me this is quite important and must be emphasized.

Mr. DODD. I am grateful again to the Senator for his contribution. We might agree, however, whether Mr. Khrushchev admits it or not, that if we can get a valid, effective and trustworthy ban on testing in the atmosphere, in the water, and in outer space, it will be a step toward peace. Mr. Khrushchev can call it anything he wishes, but in my view of things it is a step. As we all agree, it is not a great step, but a step nonetheless.

Mr. JAVITS. Mr. President, will the Senator yield very briefly to me?

Mr. DODD. I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I wish to ask the Senator a question because of his colloquy with my distinguished friend the Senator from Colorado.

There will be before the Senate a reservation with respect to the withdrawal of troops from Cuba, to be offered by the Senator from Arizona [Mr. GOLDBWATER], which will raise the question of trying the treaty in to all of the cold war issues.

I should like to ask the Senator a question in this regard, because he has had to think through his position so thoroughly in taking the stand he did this morning, to remove from the argument the question of understandings and to rely upon the commitments—we are now talking as lawyers—made by the President and our Government.

Is it not a fact that the minute we open up the cold war issues, such as the withdrawal of troops from Cuba, we put the Russians in a position that they perhaps will have to take some of the Communist Chinese positions in respect to things about which the Communist Chinese have been "beating them over the head" every day? The Communist Chinese are saying, "You should make a condition that bases be closed in Turkey." "You should make a condition that U.S. troops be withdrawn from Germany." "You should make a condition that there be a nuclear free zone between Western Europe and Eastern Europe."

Would we not be putting ourselves in the danger that Khrushchev, if we did not pick up his bid, might find himself forced into making a stronger alliance with the Communist Chinese?

Mr. DODD. Yes; I think this is a definite hazard and a danger. More importantly, I think, if it was in our interest to include the other cold war questions, it should have been done before we got into the finalities of the treaty. Maybe that was not possible. I do not know. It should have been possible. I am only suggesting that our negotiators, sometime before we even agreed to discuss this problem, might have included those questions. The important thing is that if all parties will live up to the

1963

CONGRESSIONAL RECORD — SENATE

16797

agreement, I do not see how any man of reason can say it is not progress, that it is not moving ahead. It is moving ahead in a limited way, but it is moving ahead in some way.

Finally, if the Senate should adopt such reservations, my understanding is that the treaty would have to be renegotiated. This might be fatal to prospects of arriving at an agreement.

Mr. JAVITS. The least one could say as to the cold-war questions is that we would have a slightly better prospect of arriving at some agreement with this step than we would if we had made no step at all.

Mr. DODD. That is correct.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The time of the Senator has expired.

Mr. MANSFIELD. Madam President, I yield 5 additional minutes to the Senator from Connecticut.

Mr. DODD. I thank the Senator from Montana.

Madam President, I hope that it will never be necessary for the Senate to recommend that the administration withdraw from the treaty in the manner prescribed in article IV. But if it becomes clear after the passage of time that the treaty is not one that restricts both sides equally and serves both sides equally, and that it is, on the contrary, progressively weakening the relative position of the United States, then the duty of the Senate will be clear; it will have no alternative but to recommend withdrawal.

The Senate Preparedness Subcommittee is charged with the responsibility of examining our military preparedness in all its aspects, so that the Senate may act with its guidance and assistance on all matters relating to our military preparedness and our national security. It falls naturally within the purview of the subcommittee's mandate to monitor the conduct of our future test program and to reassess at periodic intervals the impact of the treaty on the defensive posture of the free world.

It is my intention to introduce a sense resolution calling upon the Senate Preparedness Subcommittee to submit to the Senate at periodic intervals reports on the status of our underground test program, on the status of our laboratories, on the observance of the treaty, and on the impact of the treaty from the standpoint of our national security.

The debate is almost over. The decision is at hand. Ratification is assured. If our decision is in error, history will judge us harshly.

Yet, that judgment should be tempered with mercy. For we are ordinary men who have been forced by circumstances to attempt to foretell the future. We are required to choose between two sets of imponderables.

It is not in our power to improve the treaty. We can only accept it or reject it. Either we grasp at this frail hope, or we let it pass, perhaps forever.

We have surrounded this treaty with safeguards. We have dedicated ourselves to be honest in our observance of it, and to be vigilant in our insistence that others observe it.

I do not know what more we in the Senate can do. Our ratification of this treaty is one sense an act of faith; not of blind faith, not of heedless faith, but rather of a larger faith in human destiny.

We have reached out of the maelstrom in an attempt to assure the future of humanity.

Acting in good faith, acting with noble purpose, our tradition encourages us to hope, and to believe, that this enterprise will be touched by the hand of God.

INCREASED PAY FOR MEMBERS OF THE UNIFORMED SERVICES

Mr. MANSFIELD. Madam President, I yield 1 minute to the Senator from Nevada [Mr. CANNON].

Mr. CANNON. Madam President, I ask unanimous consent that, as in legislative session, a message from the House of Representatives on H.R. 5555 be laid before the Senate.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5555) to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CANNON. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RUSSELL, Mr. CANNON, Mr. ERVIN, and Mr. SALTONSTALL conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 5888) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FOGARTY, Mr. DENTON, Mr. CANNON, Mr. LAIRD, and Mr. MICHEL were appointed as managers on the part of the House at the conference.

ORDER OF BUSINESS

Mr. MANSFIELD. Madam President, I yield 20 minutes to the Senator from Utah [Mr. MOSS], but I wish to state it is the intention of the leadership to try to divide the time on the treaty as nearly equally as possible between the proponents and the opponents.

Mr. DIRKSEN. Madam President, will the Senator from Utah yield 2 minutes to me so that I may yield to the Senator from New York [Mr. JAVITS]?

Mr. MOSS. I yield.

ANTI-JEWISH DISCRIMINATION IN THE U.S.S.R.

Mr. JAVITS. Madam President, I have taken the time of the Senate only because of an act that is about to be carried out in the Soviet Union. It is proposed to execute a rabbi of the Jewish faith for a so-called economic crime. As has so eloquently been said, in a civilized nation it is inconceivable to set capital punishment as a penalty for dealing even in illegal currency exchange.

The tragic fact of government-inspired anti-Jewish acts is showing itself again in the Soviet Union and the steady succession of confirmed news reports about arrests, trials and executions presents an increasingly dangerous situation for the 3 million Jews of the Soviet Union.

The scope and intensity of recent Soviet discriminations against Jews should remove any remaining doubts that the Jews have been singled out for such special attention by the Kremlin.

An aroused world must find ways and means to stop this evil design; our generation has lived through enough horrors to be very sensitive to such anti-Jewish manifestations notwithstanding that Soviet law which makes anti-Semitism a crime. Within the last 2 years at least 83 Jews have been executed out of a total of 140 persons condemned for alleged economic offenses. Mass trials in many cities have been markedly anti-Jewish and Soviet newspapers while loudly denying any prejudices have conspicuously played up the names of rabbis—a special Soviet favorite—and the Jewish connections of the accused.

The campaign of vilification is widespread in the rigidly controlled Soviet press which has been describing Russian Jews as un-patriotic, disloyal and subversive. Such an effort to build up anti-Jewish stereotypes in provincial Soviet newspapers, particularly in the Ukraine, White Russia and other regions known for historic anti-Semitic feelings is not a happenstance in a government-controlled press like that of the U.S.S.R. A number of Jewish religious leaders have been sentenced to long terms of imprisonment on charges of communicating with the Israel Embassy in Moscow in an obvious effort to discourage any hope any Soviet Jews may have had of emigrating to Israel.

It is an irony of history that Jews who once were driven out of Russia in vast numbers should now be deprived of the right of emigration and held captive in this way. Along with these measures, the Soviet anti-religious drive has been stepped up against all religious groups but hitting especially hard at Jews, alleging the use of synagogues for black market profiteering and other subversive activities. Synagogues have been padlocked on flimsy pretexts; and just this week, on the eve of the high holy days, the only remaining synagogue in Minsk, once a great Jewish cultural center, was shut down permanently. Burial in the Jewish cemetery in Minsk has been prohibited. A similar order was issued in Moscow to shut down Jewish cemeteries in that city.

This campaign of oppression includes a ban on the last remaining kosher

16798

CONGRESSIONAL RECORD — SENATE

September 23

butcher shop in Moscow which Soviet police closed recently because of alleged unsanitary conditions. The baking of matzos for Passover has been prohibited for the last 2 years, and just 2 days ago the appeal was rejected of three elderly Jews who had been in prison for baking matzo in their own home and selling them.

Countless other vicious measures are being employed by the Soviet Government to break down Jewish religious loyalty and cultural identification. No communication with Jews outside the U.S.S.R. is permitted; religious teaching is forbidden; no Jewish books or periodicals are permitted; no theater, no vestige of Jewish culture is allowed to exist.

Let us make no mistake about Chairman Khrushchev's determination to weaken Jewish life in the Soviet Union. Russian Jews are cut off from the rest of the world; they cannot speak for themselves because they live in a closed society where free speech does not exist. They dare not show their interest in Israel, because of fear of reprisals. On their domestic radio they can hear only the voices of pro-Arab propagandists parroting the cruel and flinty anti-Israel line.

The world must protest loud and long if there is to be any hope for the captive Jews of the Soviet Union. Past experience shows that Chairman Khrushchev is sensitive to any charge of anti-Semitism. The Soviets pride themselves on having made anti-Semitism a criminal offense—even though this law is seemingly honored more in the breach than in the observance. In view of the insistent and reliable reports which continue to come out regularly, the Kremlin owes the world an explanation which should be clear, unequivocal and backed by action to show it means to implement its anti-Semitic law.

Quiet protests even on a high level apparently will not work. President Eisenhower in 1959 told Chairman Khrushchev of the great concern of Americans about the treatment of Soviet Jews during the Camp David discussion period. This was followed up by former Secretary of State, Christian Herter, who again expressed our concern this time to Soviet Foreign Minister Gromyko and by others. Efforts in the United Nations have so far not proved effective. World-wide protest is needed.

The ghastly history of Germany's Jews in the 1930's and 1940's, and of Stalin's "Jewish doctor's" terror, are a constant reminder to the world that timely vigilance and protest are demanded of us all. We must do everything in our power individually and collectively to sound the alarm and speak out against the grave danger to Jews in the U.S.S.R. A great surge of indignation—the determined protests not only of Jews but of all free peoples who treasure the rights of the individual must sweep across the world powerfully enough to stop the deadly progression of Soviet anti-Jewish actions.

I ask unanimous consent to have printed at this point in the RECORD an editorial from the New York Herald Tribune of today, entitled "Executing

the Rabbis," and an article from yesterday's New York Times.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Sept. 23, 1963]

EXECUTING THE RABBIS

Russia, we know, is a land of contrasts, but some of the contrasts being provided by a prominent Soviet citizen, Nikita Khrushchev, give cause for considerable concern. On the one hand, he is credited with having relaxed the iron grip of previous Russian rulers. But on the other, he is about to commit a barbarous act of which not even his inhumane predecessor, Stalin, had been accused.

We refer to the sentencing of a Russian rabbi to death on charges that he had committed "economic crimes." No one in the civilized world can possibly accept capital punishment as a penalty for engaging in currency exchange, even if the rabbi were guilty of that offense. If Mr. Khrushchev carries out the sentence, we shall have to conclude that the only way he finds it possible to exterminate Judaism in the Soviet Union is by executing its rabbis.

[From the New York Times, Sept. 22, 1963]

U.S. JEWS PROTEST TO SOVIET ON RABBI SENTENCED TO DEATH

(By George Dugan)

The Rabbinical Council of America, representing more than 850 Orthodox rabbis, has lodged a formal protest with the Soviet Embassy over the death sentence imposed on a rabbi last month by a Soviet court for alleged speculation in foreign currency and gold.

In a letter to Anatoly F. Dobrynin, Soviet Ambassador to the United States, Rabbi Abraham N. Avrutick, president of the council, charged that the sentence "leaves us with a feeling that a campaign is being waged against religious Jewry in Russia."

The letter dated September 8, continued: "We feel that it is indispensable that the Soviet authorities grant full civil, religious, and communal recognition to the rights, guarantees, and privileges of this Jewish citizens. Surely, a great country like Russia should not have to persecute a small minority of dedicated people. It hardly adds to the dignity of your country or its reputation in the council of nations."

ONE OF THREE CONDEMNED

The rabbi condemned by the Soviet court was identified by the Russian Republican newspaper, Sovetskaya Rossiya, as B. Gavrilov. The newspaper reported that the sentence was handed down after a 4-week trial in the Caucasus spa of Pyatigorsk.

The rabbi was one of three persons condemned for so-called economic crimes. He was said to have set up a "real money-changing office" at his home according to the Soviet newspaper. It did not indicate whether he headed a congregation.

Rabbi Bernard Twerky, press officer for the Rabbinical Council, said that if no answer was received "in a few days" the U.S. Government would be asked to intervene with the Russian delegation at the United Nations.

Dr. Nahum Goldman, president of the World Jewish Congress, reported on September 12 a slow but steady deterioration in the position of Jews in the Soviet Union. He said he believed the entire Soviet Jewish community was being dismantled and spoke of the exceptional ferocity that was applied to Jews convicted of "economic offenses." Quoting figures in the Soviet press, he said 140 persons had been condemned between July 1, 1961, and July 1, 1963. He also proposed reviving a campaign to mobilize world

opinion to bring about a more tolerant Soviet attitude. His report was submitted to members of the international conference on the situation of the Jews in the Soviet Union.

PENALTY CALLED EXCESSIVE

In his letter to the Soviet Ambassador, Rabbi Avrutick said that while the council cannot comment on the nature of the charge against Rabbi Gavrilov because of lack of information, "We do feel that the penalty far exceeds the alleged crime." A similar protest was voiced last week by Rabbi Yitzhak Nissim, chief rabbi of Israel.

Meanwhile, the rabbinical assembly, an international association of conservative rabbis, has asked its members to devote their Yom Kippur sermons to the plight of Jews in Russia. Yom Kippur, the Day of Atonement, begins at sundown on Friday.

The request was issued by Rabbi Theodore Friedman, president of the assembly.

"All reliable observers agree," he said, "that unless some significant shift in the Soviet position vis-a-vis Jewish religious and cultural life in Russia takes place within the next decade or so, that once great reservoir of Jewish life is doomed to extinction."

"There is no more suitable occasion for bringing this situation to the attention of our people as effectively as we can, than on the high holy days, when we discuss the fate and future of our people."

THE NUCLEAR TEST BAN TREATY

The Senate resumed the consideration of Executive M (88th Cong., 1st sess.), the treaty banning nuclear weapon tests in the atmosphere, in outer space, and underwater.

Mr. MOSS. Madam President, I shall vote to approve the nuclear test ban treaty. I will do this in soberness and after full and deep study and reflection. I will not seek sensationalism by claiming motives which override threats of political oblivion.

This is a time to do one's duty and to forget political advantage. This is the time to reaffirm the bipartisan nature of our dedication to basic foreign policy. The vote of the Foreign Relations Committee and the support given by the distinguished minority leader and the distinguished assistant minority leader encourages me to believe the Senate majority in favor of ratification will be overwhelming.

The signing of a nuclear test ban treaty is a continuation of a policy consistently followed by previous Democratic and Republican administrations. We were reminded of this forcefully by my colleague, the junior Senator from Illinois, last week when he so eloquently emphasized statements in the Republican platform of 1960. It stated:

We advocate an early agreement by all nations to forgo nuclear tests in the atmosphere, and the suspension of other tests as verification techniques permit. We support the President in any decision he may make to reevaluate the question of resumption of underground nuclear explosions testing.

Senator DIRKSEN added:

I do not subscribe lightly to party platforms. I have served on the platform committee of my party when such solemn words were indited. We advocate an early agreement by all nations to forgo nuclear tests in the atmosphere. This is what we seek in the treaty today.

1963

CONGRESSIONAL RECORD — SENATE

16865

erator hires an additional employee. The new employee takes his clock and buys new clothes at the local department store.

FARMERS PROVIDE FOOD

Or, a tourist buys meals in a local restaurant. The restaurant operator buys vegetables, fruit, and meat from the farmers of the region.

Or the tourist stays overnight in a motel. The motel operator hires a college girl home for the summer. The college student is enabled to use her tourist-derived earnings to further her college education or for a new hairdo or a new fall outfit.

And the multiple effect goes on and on, even though on a much smaller scale, for successive rounds.

In addition to new jobs and new dollars generated by the tourist dollar, the State reaps additional tax revenues.

BENEFITS THROUGH TAXES

"We estimate that in 1959 property taxes attributable to the tourist trade amounted to \$1.2 million, gasoline taxes, \$2.9 million; sales tax, \$1.9 million; cigarette and beer taxes, and liquor profits, \$0.1 million totaling over \$6 million in taxes to State and local government. No attempt was made to estimate State income tax attributable to the industry," Dr. Harline says.

Dr. Harline contends that the tourist and recreation industry is everyone's business and has four suggestions for building the industry: (1) developing facilities and activities; (2) creating a better informed public; (3) providing more advertising; and (4) development of a statewide tourist and outdoor recreational plan.

"If the steps are taken, I believe it is entirely realistic to predict the doubling of Utah's tourist and recreational industry by 1970," he predicts.

THE WILDERNESS BILL

Mr. MOSS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial of KSL-TV in Salt Lake City.

There being no objection, the telecast was ordered to be printed in the RECORD, as follows:

WILDERNESS—KSL EDITORIAL OF SEPTEMBER 2, 1963

With Labor Day behind us and the major workload in Congress still largely untouched, it is obvious that little attention is going to be paid this session to the long-debated wilderness bill. Nor, judging from past stalemates, does there seem much likelihood of action next year or even the next.

But time and population pressure aren't waiting. Overuse and misuse are marring and threatening with permanent damage some of the most precious parts of our scenic outdoor grandeur.

It is becoming increasingly obvious that we can't wait for some future wilderness system to protect what we already have. It's time for an intensive drive against littering, contamination, and abuse of primitive back-country areas.

Take the middle fork of the Salmon River, for instance. This sparkling gem—where deep, clear emerald pools alternate with exhilarating stretches of white water—may be the only river left in America big enough to float a boat and where a man can safely dip a cup over the side for drinking water. It won't be safe much longer. A recent survey of the middle fork area showed dismaying evidence of litter and lack of sanitation at the few sandbar campgrounds the river affords.

The problem is widespread. A recent report from the High Uintah primitive area showed even worse conditions. And 45 volunteer sportsmen recently hauled 3 tons

of tin cans, foil, glass, and other debris out of one area of the Sierra Nevada after a weeklong cleanup there. In Ontario, Canada, the problem has reached a point where forest officials are considering limiting the number of canoeists by issuing permits on a quota basis.

It may have to come to something like that in our own western forests, unless education and enforcement can turn the tide. We need more regular patrols such as have now been established in the Uintah Mountains. We need more cleanup efforts, supervised by Forest Service personnel, but manned by the many volunteers who would be willing to help. We need to make more arrests and levy more fines against the people who won't cooperate.

America's unspoiled primitive areas constitute a great heritage for the replenishing of our spirits and the renewing of our strength. Surely this generation is sensitive and intelligent enough to pass the heritage on unspoiled to the next generation.

THE TEST BAN TREATY

Mr. MOSS. Mr. President, I ask unanimous consent to have printed in the RECORD four editorials, two each from the Salt Lake Tribune and from the Deseret News, both great daily newspapers in Salt Lake City, Utah.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Deseret News, Aug. 15, 1963]

GUIDELINES FOR MAKING TREATIES

Back in 1959, when there was other talk of a nuclear test ban agreement with Russia, Secretary of State John Foster Dulles listed the reasons he opposed it:

"If we signed such a pact with the Soviets, there would develop a tremendous pressure to cut back on our defenses, reduce the size of our Armed Forces, and curtail our armaments.

"We would have only the word of the Russians that they were doing the same." Our NATO, SEATO, and other alliances would be endangered, perhaps to the point of deterioration.

"As a result, within a few years we could be as a sitting duck for Communists to pick off whenever they felt the time was ripe."

That warning deserves review today, as our diplomats seek a logical "next step" from the ban on testing in the atmosphere, underwater or in space.

Wednesday, our chief negotiator at the 17-nation disarmament conference proposed the next step might be an agreement with Russia to stop making fissionable material and to transfer large amounts of stockpiled uranium to peaceful purposes. He made no mention of an inspection system to be sure the provisions are carried out.

Maybe there is a possibility here. We must continue to seek, with open mind every possible avenue for easing world tensions and increasing world security.

But we will ignore the past and betray the future if we make any agreement that relies solely on good faith on the part of the Soviets.

The record is so painfully clear on this subject. In 1955 the Senate Committee on Internal Security released a carefully-documented analysis of nearly a thousand Soviet treaties. The record showed, in the report's words, that the U.S.S.R. "had broken its word to virtually every country to which it ever gave a signed promise."

Nor is Khrushchev's record significantly better than that of his hated and feared predecessor. In all his denunciation of Stalin, Khrushchev has never questioned, let alone repudiated, his record of duplicity in international affairs.

As for his own actions, consider the following:

Last October, when we already had proof to the contrary, Foreign Minister Andrei Gromyko solemnly assured President Kennedy there were no Soviet missile installations in Cuba.

The Berlin wall, whose infamous second anniversary we note this week, was built in complete violation of solemn four-power agreements guaranteeing unimpeded movement of inhabitants between Eastern and Western Zones of the city.

In 1961, in complete defiance of the agreed-upon moratorium on nuclear testing, Russia launched a massive series of tests.

During the bloody Hungarian revolt in 1956, General Muleter was induced to come to a truce talk to discuss the promised withdrawal of Soviet troops. He was seized and executed; the troops stayed, grinding the revolt to bits under Soviet tanks. Imre Nagy, the country's legal president, was lured from his asylum in the Yugoslav Embassy with a clear pledge of safe conduct out of the country. He was seized and executed.

All this was under the leadership of the man with whom we signed the test ban agreement and with whom it is now proposed that we negotiate further agreements.

Surely we have learned by now to sign no agreement that does not meet the following conditions:

1. It must be self-enforcing, not relying on trust; violations must be immediately detectable.

2. It must stand on its own feet, not tied to any other condition, and be based on the mutual self-interest of both parties. We can expect Russia to keep no agreement that its leaders believe is not in their best interests.

3. It must represent steps small enough that any violation would not endanger the security of the United States.

The present test ban agreement seems to meet these criteria. Perhaps other next step agreements may also. We should certainly try.

But if we forget Secretary Dulles's warning about psychological disarmament or history's grim lesson about Soviet reliability, the civilization we lose may be our own.

[From the Deseret News, Sept. 3, 1963]

HOLES IN THE NUCLEAR SHIELD

One main objection to the nuclear test ban treaty is that Russia's testing may have enabled it to develop an effective missile defense so that we ought to continue testing in order to catch up.

The idea is that the Soviets may have discovered that by setting off nuclear explosions in outer space they can protect themselves against intercontinental ballistic missiles. Not that the outer space nuclear blasts would destroy attacking missiles. Rather, it is thought, such blasts could deflect missiles from their intended targets by fouling up their guidance systems.

This line of thinking, however, raises a number of questions that need to be explored.

First, even those who espouse this point of view admit that low-trajectory missiles would not be affected since they go under the "protective" nuclear blasts in outer space. To bring these blasts down to a lower level would be self-defeating, since they would rain radioactivity down upon those they were designed to protect.

Consequently, the Polaris submarine would still be an effectual deterrent.

Second, suppose the Soviet Union blanketed itself with a "protective" nuclear covering in outer space. Wouldn't the same blanket that prevents incoming missiles from hitting Russia with any degree of accuracy also throw outgoing missiles off their course?

Third, the knowledge that incoming missiles would not necessarily hit their selected

16866

CONGRESSIONAL RECORD — SENATE

September 23

military targets but might instead fall upon the population at large seems small comfort to a nation relying on such a method of "protection." One doubts whether leaders of even such a dictatorship as Russia could get away with such a plan.

Finally, even if deflected missiles merely fell in open country, the radioactivity they would spread would still cause widespread destruction.

Nothing has changed the fact that the mere existence of nuclear weapons makes this, potentially, a dangerous world to live in—not just for the nuclear nations but for everyone. The test ban treaty is an attempt to minimize that danger by providing a safe first step that could lead to ultimate world control of such weapons.

[From the Salt Lake Tribune, Aug. 28, 1963]

BEWARE RESERVATIONS TO TEST BAN PACT

Present forecasts are that the Senate will ratify the test ban treaty. (Columnist Marquis Childs reported yesterday that 68 Senators—one more than the necessary two-thirds—are already committed in its favor.) Ratification, however, could be so diluted by reservations as to make the action meaningless.

A reservation has already been suggested by one of the country's most highly respected elder statesmen.

Former President Eisenhower announced his support of the treaty.

But at the same time he called for a reservation making clear the right of the United States to use nuclear weapons to repel aggression.

This seems to be completely outside the scope of the treaty, which is confined to ending nuclear testing in the atmosphere, in outer space and under water. Moreover, as Chairman Fulbright, of the Senate Foreign Relations Committee pointed out, "It is a basic right of every nation to defend itself."

Another reservation was proposed Tuesday by Admiral Burke, former Chief of Naval Operations. Burke wants the Senate to demand some system of verification or limited inspection of Soviet nuclear facilities. Since the matter of inspection blocked negotiation of a full scale test ban treaty, the Burke proposal, if accepted, would kill the pact.

General Eisenhower is apparently worried by section II of the treaty which includes the phrase "any other explosion." Last week, Admiral Strauss, former Chairman of the Atomic Energy Commission and an outright opponent of the pact, said he feared this phrase could be interpreted to prohibit the use of nuclear weapons by the United States in repelling aggression against an ally or any other free nation.

Strauss is brandishing nuclear defense with a vengeance.

The Senate certainly should consider every question raised as to the meaning and effect of the treaty. During the current hearings a wide variety of opinion has been heard, ranging from full indorsement (the majority) through various scientific and military qualifications to complete opposition.

If the Senate believes specific interpretations are necessary, then it can clarify the U.S. position by adopting a simple statement.

But only under the most extreme conditions should the Senate tuck on reservations. We do not believe that any of the witnesses heard so far have made a case for that.

If reservations should be adopted, it might mean the treaty would have to be renegotiated. And that probably would kill the treaty altogether.

That could well be the strategy of treaty foes who, unable to muster enough votes against ratification, will try to gain the same end by more devious means. The Senate should turn back any such attempt.

[From The Salt Lake Tribune, Sept. 1, 1963]
AN ACCEPTABLE TREATY WITHIN ITS LIMITS

The 16-to-1 vote by which the Senate Foreign Relations Committee approved the test ban treaty indicates that the big hurdles—Senate ratification—will be cleared with ease. Some supporters predict that fewer than 20 of the 100 Senate members will vote to reject the pact.

The Foreign Relations Committee wisely decided against tacking on reservations. For reservations might require renegotiation and in the process the treaty could be lost altogether.

Instead, the committee will prepare a report explaining the Senate's interpretation of the agreement. This, according to Committee Chairman Fulbright, will include a statement that the treaty does not prevent the United States from using nuclear weapons in the event of war. The statement will also include assurances that this country will be prepared to resume atmospheric testing if the Soviet Union violates the treaty.

These two points are important since the first answers a question raised by former President Eisenhower and other witnesses while the second provides the "safeguards" demanded by members of the Joint Chiefs of Staff.

Debate on the treaty will begin soon after Labor Day, with final action expected by mid-September. And during that time implications of the agreement will be explored at even greater length than was the case in the 12 days of committee hearings.

Certainly no one should be able to say, when the vote on ratification is taken, that the Senators are not fully aware of what they are doing.

Sharply conflicting opinions were presented at the committee hearings. In his message submitting the treaty, President Kennedy emphasized its limited nature and the hope it will prevent the proliferation of nuclear weapons. Underground testing is permitted; testing in the atmosphere, in outer space and under water is forbidden.

Other proponents—Secretary of State Rusk, Secretary of Defense McNamara and General Taylor, chairman of the Joint Chiefs of Staff—made the case that the treaty, on balance, is to America's advantage. Admitted risks, it was argued, are outweighed by positive gains.

Opponents dealt at length with the risks. Dr. Edward Teller, the nuclear scientist who played a key role in development of the H-bomb, declared Russia was far ahead on anti-missile weapons and that the United States could not hope to catch up without testing in the atmosphere. Other eminent scientists did not agree with Dr. Teller.

There was a similar sharp split in the opinion of military men. General LeMay, Air Force chief of staff, had serious misgivings, fearing that we may get complacent and drop our safeguards program down to a level I consider insufficient. Admiral Strauss, former Chairman of the Atomic Energy Commission, was totally opposed. The treaty is not in the best interests of the United States, he said.

Such wide differences of opinion are puzzling to the ordinary citizen.

They may be just as puzzling to Senators. If scientists and military men cannot agree, then who is right?

The answer is that the treaty is a diplomatic, not a military or scientific, instrument and that all factors must be considered in reaching a decision. Scientists and military men often are not able to see beyond their specialties.

This is a limited treaty. It has limited objectives. It certainly will not bring peace in our time. But the consensus, as overwhelmingly expressed by the Foreign Relations Committee vote, is that the treaty is acceptable within its limitations.

The Senate debate, now about to begin, will be enlightening. We do not believe that it should lead to rejection of the treaty.

ADDRESS BY SENATOR CHURCH

Mr. MOSS. Mr. President, last Thursday in Salt Lake City, the senior Senator from Idaho [Mr. CHURCH] delivered a stirring keynote address for the Western States Democratic Conference assembled in that city. With clarity, insight, and with great eloquence, the Senator from Idaho pointed to the path which a large part of the Republican Party is taking in following the junior Senator from Arizona [Mr. GOLDWATER]. Senator CHURCH stated clearly for the Democrats the action which our party must take if it is to meet this modern-day reversion to the 18th century. I feel that every Member of Congress should read the words of my colleague from Idaho, whom I commend most highly for his great service in articulating his views for the western Democrats. Therefore, I ask unanimous consent that this speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STEMMING THE GOLDWATER FLOOD: A WESTERN RESPONSIBILITY

(Keynote address for Western States Democratic Conference, Salt Lake City, Utah, Sept. 19, 1963, by Senator FRANK CHURCH, Democrat, of Idaho)

I am pleased and honored to be your speaker today at the opening of this western regional conference of the Democratic Party. Western conventions have been very much in the news lately. The Young Republicans met noisily in San Francisco where they were bludgeoned under by the radical right. The Young Democrats held a regional meeting in Berkeley where they yielded to resolutions which were apparently authored by the radical left.

The notoriety resulting from both of these conventions led the President to observe: "I don't know what is happening with the Young Democrats and Young Republicans, but time is on our side."

I don't think we need to be overly disturbed when young people adopt extremist views. These are the only kind that can supply the uncompromised answers they crave. They want to see the world sharply defined in black and white; their idealism prevents them from accepting the broad, gray area, where all people and nations actually live. Doubtlessly, it was this consideration which once caused an eminent conservative father to say: "If my son were not a Socialist at 20, I would think there was something wrong with his heart; if he were still a Socialist at 30, I would think there was something wrong with his head."

No, we needn't be surprised or crestfallen when young people behave like young people. But when a great segment of the senior Republican Party refuses to grow up—when it—

Stares into a Goldwater pot

To see the world as the world is not—

then we have reason indeed to become concerned. The western and midwestern segments of the Republican Party seem never to have wanted to grow up. The republicanism of the Mountain and Prairie States has never gotten over its nostalgic romance with the lawless, trigger-happy days, the careless exploitation, the get-rich-quick temperament of the old frontier. Neither has the western branch of republicanism ever managed to shake off its addiction to

1963

CONGRESSIONAL RECORD — SENATE

16867

oversimplification. Politics, like any western shoot-em-up, is divided between the good guys and the bad guys. Republicans are good; Democrats are bad. State and local governments are good; the Federal Government is bad. Spending for warfare is good, spending for welfare is bad. All foreigners who side with us are good; all who do not are bad.

This is their prescription. It affords an easy sanctuary for those who prefer not to face up to the complexities of our time. It is a prescription which leads inevitably to extremes. How else could it happen that so broad a segment of the Republican Party could seriously espouse, glorify, and thrust up a man for the Presidency of the United States, who has said: "I fear Washington and centralized government more than I fear Moscow."

My friends, this is not the calm voice of conservatism; it is the frantic voice of fanaticism. It does not represent the mainstream of Republican tradition. It is, rather, a repudiation of responsible republicanism and all for which it stands.

Walter Lippmann, the dean of American journalists, brilliantly contrasts the Goldwater doctrine with the historic role of the Republican Party in national affairs. The core of the Senator's philosophy, Lippmann writes:

"Is opposition to the Federal Government as a guarantor of personal freedom and as protector of the national welfare. To the Senator the Federal Government is a kind of foreign power which must be reduced and distrusted. Senator GOLDWATER regards himself as a Republican. But to be the kind of Republican he professes to be, he must disavow and disown the whole heritage of Hamilton, Lincoln, and Theodore Roosevelt. For Hamilton was the principal founder of the Federal Union. Lincoln was the preserver of the Federal Union and Theodore Roosevelt was the first President to see that the United States would be involved as a world power and that the Federal Government would have to become the regulator of an industrial society. These men, the greatest of the Republicans, stood for a strong and evolving Federal power, not for a loose and impotent confederation of States."

You may wonder why I have chosen to discuss the candidacy of Senator BARRY GOLDWATER, a man with whom I differ politically, but who is personally my friend. The reason is simple enough. It is the Goldwater brand of Republicanism against which we western Democrats must prepare to wage the coming campaign. We must examine its tenets with care, and prepare ourselves for the political spookshow with which it hopes to frighten voters into the Republican column in 1964.

For in the campaign ahead, the Goldwater Republicans will say of us:

"The do-gooders are at it again. They want the Federal Government to act as wet nurse for the whole population, from the cradle to the grave, insuring that every want is uniformly satisfied, and that the shiftless, the improvident, and the lazy are taken care of at the expense of the steady, the foresighted, and the energetic."

"They are extracting, through ever-higher taxes, the good citizens' hard-earned money, and they are doling it out to bad citizens. In the process, the Government has become insolvent, the Nation has been brought to the brink of bankruptcy, and a monstrous bureaucracy has arisen which engulfs Congress and stretches its tentacles around the 50 States, slowly squeezing them to death. This bureaucracy is dedicated to socialism, determined to destroy free enterprise and undermine the liberties of the people."

Now, for those who really believe this to be the plot and purpose of the Democratic Party, words are wasted. But for those who would rather pull the sheets off hobgoblins

than quail before them, let's take a look at the facts.

To begin, what accounts for the big Government we have in Washington today, and for the relatively high level of Federal taxation needed to support it? The Federal budget for the current fiscal year (starting July 1) makes the answer at once evident. Big Government on the Potomac is chiefly the product of the warfare state, not of the welfare state which we Democrats are accused of fostering. More than half the total budget goes directly to the Armed Forces.

But, before I am accused of telling only half the story, let's turn the Federal tax dollar over and have a look at the nonmilitary side. Surprisingly enough, most of the spending once again relates to warfare requirements, past and prospective, not to welfare programs. Our space technology, Atomic Energy and Central Intelligence Agencies are all directly linked to our national security. The swollen cost of diplomacy and foreign aid, including military assistance to our allies, also relate to the security needs of the United States.

Add these, along with the continuing cost of our involvement in past wars, veterans' benefits, and interest payments on the war debt, to what we spend each year on the Armed Forces, and the grand total accounts for a staggering 80 percent of all Federal spending. It is these tremendous costs which we have had to sustain almost without letup for almost 20 years that mainly account for big Government in Washington today.

Would the Goldwater Republicans apply the meat ax to these expenditures? On the contrary, the cuts they call for in foreign aid are far outweighed by the expanded military weapons programs they advocate. A recent analysis of their announced position, balancing the cuts they ask against the new costs they would assume, shows that between \$6 and \$10 billion would be added to the national security sector of the Federal budget.

Of your Federal tax dollar, the National Government spends only 7 cents on all the welfare programs it supports. The Goldwater attack, stripped to its essentials, is really a campaign against these programs.

What are these welfare programs? They include Federal grants-in-aid to the States for aged, blind, and disabled citizens, and dependent children; Federal grants, usually given on a matching basis, for public health, hospital construction, control of water and sewage pollution, and food and drug administration.

Also included are all forms of Federal aid to education, Federal impact funds, the school-lunch program, vocational rehabilitation, and the special assistance to schools and students made available through the National Defense Education Act—and the costs of administering unemployment compensation, and financing research for medical cures of cancer, heart disease, infantile paralysis, multiple sclerosis, and a host of other diseases of mind and body.

On all of these programs combined, we spend a smaller proportion of our gross national product than we did 25 years ago.

Let's examine another hobgoblin. What about the monstrous Federal bureaucracy we hear so much about? Actually, Federal employment no longer keeps pace with the growth of the country. In 1952, there were 16 Federal employees for every thousand of population. By 1958, this number had dropped to 14, and it will be 13 in fiscal 1964. In the decade from 1952 to 1962, total Federal civilian employment fell 3 percent, while employment by State and local governments increased by 63 percent. If "creeping socialism" is measured by the rising tide of Government employees, the sentinels would do better to station themselves closer to home.

What then of the hobgoblin of fiscal irresponsibility? Right after World War II, our national debt was nearly 130 percent of our gross national product. Today it is just under 50 percent. In 1947, the national debt per person was \$1,900; today it is \$1,600. While the total debt of the Federal Government has increased by 15 percent since 1947, the aggregate debt of State and local governments has increased an astonishing 332 percent, in the total amount of \$56 billion. Private-business debt has increased, in this same period, by 271 billion, reflecting the tremendous expansion in all business activity.

If debt accumulation is the measure of fiscal irresponsibility, as GOLDWATER Republicans would have us believe, then the Federal Government, managed by Democrats, is coming off far better these days than either State and local government or private business itself, managed largely by Republicans.

We Democrats must carry these indisputable facts to the people. We must dispell the myths and the quackery. And when the opposition then shifts ground to mount an emotional charge that the liberal policies of the Democratic Party are wickedly destroying freedom in America, let us have the fortitude to say, as BILL FULBRIGHT recently said on the floor of the Senate:

"Liberalism stands for such wickedness as social security, which has destroyed the freedom of the aged to be destitute or dependent; rural electrification and farm price supports, which have destroyed the freedom of the farmer to live in poverty and deprivation—by candlelight; public housing and urban renewal, which have destroyed the freedom of many of our people to live in rural shacks and urban slums; public works and Government fiscal policy, which have destroyed the freedom of most—but not all—of our people to be blissfully unemployed; and Federal aid to education—the most diabolical plot of all—which threatens to destroy our freedom to be ignorant and unemployable."

And we Democrats might raise a few questions of our own about the state of freedom in America. Let's not allow those who speak most piously about preserving freedom to get away with taking positions which make a mockery of it.

Why not challenge them to reconcile their self-styled defense of individual freedom with their attacks upon the Supreme Court. The letters I receive from them complain, not that the Court's decisions confer too little freedom on the individual, but too much. I have noticed also, that while they seldom complain about the denial of civil rights to the Negro citizens of the United States; they bewail the curtailment of the States' license to deny these rights, which the Constitution confers.

The preservation of freedom in America is our issue, not theirs. We must not let them steal it away.

I see these stickers: "GOLDWATER in '64." To what century do they refer? Certainly not 1964. GOLDWATER's program—if such it can be called—has no relevancy at all to the problems of our times, either at home or abroad. Certainly they do not refer to 1864, for the primacy of the Federal Union was in that year established in the War Between the States. 1764 comes closest, for the basic tenets of the Goldwater philosophy of Government were then in lively controversy. They could not be defended, even then. The debate was finally resolved, in the years that followed, by the establishment of one great country, one Federal Union, the United States of America.

But this Goldwaterism, which is not relevant to the domestic situation in 1964, loses all contact with reality when placed in context with the problems which confront us in the outside world.

Recall, if you will, our predicament abroad as John F. Kennedy found it in January 1961.

Southeast Asia, Berlin, the Congo, and Cuba—all were aflame. Our new President was confronted with rampant crises on four fronts, each one of which threatened us with the most serious reversals.

In southeast Asia, the Communists were on the point of achieving a complete takeover in Laos. Moreover, it was clear that the immediate Communist objective included not only overrunning Laos, but generating in the process a momentum which would bring about the speedy collapse of South Vietnam, and lead to the envelopment of neighboring Cambodia and Thailand. In short, President Kennedy found the whole of southeast Asia in jeopardy.

In Berlin, the dread condition of ultimata between nuclear powers standing muzzle to muzzle had been reached. Khrushchev had defined his objective there, and had announced a deadline for the West to yield or face the consequences. Here, there could be no shrinking from the reality that the vital interests of the United States were at stake. For Berlin is a special symbol. It stands, in sharp focus, as the place above all others outside our homeland, where we have said, "Here you shall not pass. This ground shall not be abandoned." The war clouds had become a towering thunderhead over Berlin by the time John F. Kennedy took his oath as 35th President of the United States.

In the Congo, all was chaos. The Balkanization and further impoverishment of central Africa, which is precisely what the Katanga defection threatened, offered new victims for the Communist incubus. The problem was to forestall a Soviet military presence there, and thus to avoid an ultimate choice between confrontation in the heart of Africa, or dreary and indecisive engagement with the special brands of subversion readily practiced wherever people live in primitive conditions and stable nations have not yet been born.

Finally, in Cuba, the President inherited the burden of coping with the first Communist regime to secure a beachhead in the Western Hemisphere. Castro, was firmly entrenched in Cuba long before Kennedy took office.

Hence, the President, from his first day in the White House, was confronted with a fact of an accomplished Marxist revolution virtually on our doorstep, which had already been delivered into the hands of Communist professionals, but which still enjoyed a large measure of sympathy from our neighbors to the South, many of whom persisted in the naive belief that Castro was an authentic revolutionary, bold enough to assert himself against "the colossus of the north."

Even those of high station in Latin governments, who knew Castro for what he was, were afraid to speak out publicly against him—for Castroism had become a surging force throughout South and Central America, and many a legitimate government trembled before it.

These were the eruptions abroad, which had reached the crisis stage when President Kennedy took office. Less than 3 years have passed. Let us return to the scenes of most acute crisis, and see how the defense of freedom has fared.

The kingdom of Laos, for the present, has been neutralized as an avenue for Communist expansion in southeast Asia. South Vietnam still seethes in the agony of war and oppression, but elsewhere the Asia battlements are better manned, and even the sleeping giant of India awakens to the dangers of Red China, and moves apace into the real life world.

More important still, the war clouds have dissipated over Berlin. At Vienna, President Kennedy and Chairman Khrushchev met face to face, each determined to make clear to the other his intentions, each forming a judgment as to the other's will and charac-

ter. There followed an abandonment of the Soviet initiatives which had generated the Berlin crisis and brought it to white heat. Talk of a deadline has ceased; the war drums rattle no longer; in their place, a stark wall stands, signifying to all the watching world that communism is a prison, not a panacea. And Berlin remains an emblem of freedom, a token to friend and foe alike that Americans honor their commitments.

In the Congo, a miracle is in the making. The Tshombe secessionist movement, despite clever and unscrupulous support from the rear guard of European colonialism, is discredited and defeated. The United Nations has proved beyond all doubt its dextrous utility as an instrument for peace, as the Congo reaches for life and liberty.

And what of Cuba? Before the events of last October, the President had clearly recognized the ways in which Cuba was a threat to our security, and had mapped out a course of action to deal with them. Cuba threatens us as a seedbed for subversion of the hemisphere. It poses the threat that other revolutions, indigenous in origin, may be penetrated by agents of the Communist conspiracy, and sold out to a philosophy alien to the traditions of the Latin people against their will and beyond their control. This threat can be met by encouraging far-reaching and fundamental changes in the conditions which make revolutions seem necessary. The Alliance for Progress was conceived for exactly this purpose. Through this Alliance, with the help of the enormous shock wave that traveled from the Caribbean to the Strait of Magellan when the true nature of the Cuban revolution was at last revealed, the hemisphere has closed ranks against the outsiders. Cuba remains a thorn in our side, but no longer a dagger at our throat.

The presence of long-range Russian missiles and bombers in Cuba, which we uncovered last October, was an entirely different matter. Some time last summer, cold eyed and deadly, the Kremlin planners decided to risk a major gamble in Cuba. Its purpose was to topple, at one stroke, the whole structure of our defense and deterrent systems, by exposing the heartland of America to almost instantaneous destruction, from an unexpected quarter, without warning and without mercy. To borrow an analogy from chess, it was as if a major fighting piece had suddenly been moved to a commanding square in the center of our position, placing our queue of battles en prey, and threatening checkmate in two moves. The thrust was brazen, and it had to be met with absolute precision, on very short notice.

This was chess for keeps. On that fateful chessboard, the President countered with a move so skillfully executed, that Khrushchev was left with but two alternatives: he had either to withdraw his piece or lose it, on the one hand, or suffer the loss of the whole board, through a nuclear war, on the other. He chose the only rational course left open to him, dismantled his bases and promptly withdrew both the missiles and the bombers from Cuba, under circumstances that made it plain to all the world that the Soviet Union had backed down and the Communists had suffered their most serious defeat since the end of the Second War.

Those days of danger last October may well be recorded by historians of the future as a time when the wheel of destiny took a decisive turn for the whole human race. For they led directly, almost inevitably, to those reversals of policy in the Kremlin which made possible the partial banning, by treaty, of nuclear tests. Khrushchev learned that terror weapons would not bring him victory, for he dared not use them, and we would not yield to nuclear intimidation. So the fortitude of an American President won for us another chance to harness the nuclear monster, or, as Kennedy himself has

put it, to stuff the genie back into the bottle, before it is too late.

Only a handful of Senators oppose the treaty partially banning nuclear tests which is now before the Senate for ratification. Goldwater is one of these. His opposition surprised no one, and, so far as I have been able to observe, persuaded no one. But it was necessary for him to oppose the treaty, because he is committed to a policy of initiating the use of force in the struggle with communism. Let me read you the key sentences from the concluding chapter of a book by BARRY GOLDWATER entitled, "The Conscience of a Conservative":

"Our strategy must be primarily offensive in nature * * * we must always try to engage the enemy at times and places, and with weapons, of our own choosing * * * we should withdraw diplomatic recognition from all Communist governments including that of the Soviet Union. We must—ourselves—be prepared to undertake military operation, against vulnerable Communist regimes."

Referring to the Hungarian revolt of 1956 Goldwater writes:

"In such a situation, we ought to present the Kremlin with an ultimatum forbidding Soviet intervention, and be prepared if the ultimatum is rejected, to move a highly mobile task force equipped with appropriate nuclear weapons to the scene of the revolt. The Kremlin would also be put on notice, of course, that resort to long-range bombers and missiles would prompt automatic retaliation in kind."

Later Goldwater declares that this is hard counsel, because, he writes, "it frankly acknowledges that war may be the price of freedom."

Read Goldwater's books, and I venture you will reach some self-evident conclusions.

The first is that anyone who is fully informed about the consequences of thermonuclear war—as Senator Goldwater is—and is nevertheless capable of saying such a war may be the price of freedom, simply doesn't live in the real world. In the real world, nuclear war can only guarantee death of freedom.

The second self-evident conclusion is that any man who clearly mistrusts all means except violence to advance the cause of freedom is ill qualified to be the leader of a free society. In human history, the power of ideas has always been greater, ultimately, than the fist, the club, or the gun.

The third conclusion is the peril to which we will all be exposed if the helm of the Nation is entrusted to a man of such temperament in these precarious times.

When I consider our predicament today, I recall the tragedy which befell an Idaho hunter who became separated from his party, and lost, in rugged mountain country, while hunting deer in the late autumn. Others of the party, knowing approximately where he was, searched for him until dark. When he could not be readily located, they decided to wait until the next day to continue the search. Although it isn't pleasant to be lost in the mountains, his companions agreed that there was no reason to be seriously concerned. He was a seasoned hunter, perfectly able to take care of himself in the woods.

After the first night had passed, members of the party renewed their search. They found the lost hunter. He was dead of exhaustion. Retracing his tracks in the snow, his companions learned with amazement that he had begun to run shortly after losing his bearings. Up hill and down, through brush and across rocky ledges, crossing and recrossing his own tracks, faster and faster as the snow fell in the gathering gloom, without stopping to build a fire or to take thought of his predicament, in blind unreasoning panic, this man had run himself to death in approximately 8 hours.

Men who know this story still ask themselves why a seasoned hunter and woodsman

1963

CONGRESSIONAL RECORD — SENATE

16869

would allow himself to perish so painfully and unnecessarily—but I think there is an answer. A member of the group expressed it this way: "It might have happened to any of us. There was a part of him which knew better. Deep down, he knew that he could get out if he kept his head, remembered all he had learned about survival in the woods, and disciplined himself for a prolonged and difficult effort. But he knew, also, that he would be cold, alone, frightened, hungry, and exhausted, perhaps for days, before the end of his ordeal, and that final escape was not, even then, absolutely certain."

There was a part of him which feared the woods, dreaded to be lost, and refused to be disciplined; which preferred, in the last analysis, a quick and final answer to the long twilight struggle whose outcome was uncertain, but whose price was pain and effort for many days and nights. And so, in panic, he ran himself to death. In a sense, he chose to die rather than to pay the price for life.

I wonder if such a tragedy might not befall our country. Are not those who say, in effect, "Nuclear weapons may have to be used; the Communists will always back down if we just have leaders who force them into a corner. After all, we're the good guys, they're the bad, and the good guys always win out in the end"—aren't those who say this really playing upon our reluctance to pay the price which must be paid if freedom is to survive? No rational leadership can promise us quick and easy escape from the problems which demand prolonged, costly, dedicated effort for solution. All that can honestly be promised is what President Kennedy has given us—steady, patient, unremitting, constructive work—with some advances and a hopeful breakthrough, but with the outcome uncertain for many years to come. Against this prospect weigh warily the siren song of quick and easy victory by ultimatum. Beware of a leadership which has nothing to offer but reaction at home and jingoism abroad.

One man, in this day and age, clothed with the power of the Presidency, can deliver us into fiery oblivion—foolishly, needlessly, and finally, by just one error of judgment. An American President who mistrusts the winds of freedom, and tampers cavalierly with the delicate balance of terror upon which the peace presently depends, might well be the last American President.

This is a chance I don't want to take.

That's why I'm here. We westerners bear a special responsibility for BARRY GOLDWATER. As matters now stand, he is the West's gift to the country. He has presumed to claim that this is Goldwater territory. I'm here to say that Western Democrats had better organize for the 1964 campaign, beginning now, in such a way as to surmount the tide of nonsense which threatens to engulf us. And while we're at it, let's sharpen the issues, right here in Utah, between the mossbacks and the Moss backers. Let's make certain that the wind blowing from Wyoming to Washington is a gale and not a dust storm. Above all, let's let the country know that most westerners have staying power; we're confident that we can win over communism because we have faith in the strength of freedom. Let's let the country know that the Western tradition means more than trigger-happy gunmen black jack dealers, and the flash of gold in the pan; it also means good farms where the land is loved and cared for, great cities built brick by brick, and kids who can look forward to a life worth living. There was a high price tag on this Western country. It wasn't easy to get here, when our ancestors came, and it hasn't been easy to stay. It's taken a lot of time, and a lot of faith, to make it the sweet land it is. Let's not forsake it for fool's gold when history calls us to account.

CREATION OF A NATIONAL SEASHORE AT FIRE ISLAND, N.Y.

Mr. KEATING. Mr. President, on April 25, my colleague, the senior Senator from New York [Mr. JAVIRS] and I proposed legislation to create a national seashore at Fire Island, N.Y. This unique barrier beach will be a place of recreation and scenic beauty for the millions of people who live in the New York metropolitan area. We also hope that the 20 percent of the population of the country concentrated within a day's journey of Fire Island will be able to use the beach and enjoy its facilities.

Because the beach is, in fact, a sand bar off the shore of Long Island, it is in constant danger of erosion, particularly now that the hurricane season is about to begin.

It is gratifying, therefore, that the chairman of the Public Lands Subcommittee, the distinguished Senator from Nevada, has assured me that the subcommittee will begin hearings on the bill this fall.

The September-October edition of Audubon magazine contains an article calling for prompt congressional action on the national seashore, so that the Federal Government can take action to protect the beach. Mr. President, I ask unanimous consent that the text of that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DELAY CAN RISK A GREAT OPPORTUNITY

It is heartening to see responsible public debate and discussion hammer out a consensus for the solution of a conservation problem. This has happened among, and through, the press and civic and political leaders in New York on the issue of how best to preserve the extraordinary scenic, recreational and biotic resources of Fire Island. Such progress could not have been made, of course, had it not been for the determined and intelligent work and close cooperation of local conservation and civic groups.

Now there is general agreement locally and in the State, as well as among national conservation organizations, that this remarkable barrier beach, offering so much so close to the Nation's greatest concentration of human population, must be made a national seashore and placed under the protective management of the National Park Service.

Fire Island flanks booming Long Island. Its western end is a scant 50 miles from the towers of Manhattan. The pressures on it are relentless and the subdividers have not been idle. There is still time in this prolonged session of Congress to enact the necessary legislation.

The longer the delay the more the necessary land acquisition will cost the public, and the greater the risk of losing a priceless opportunity. Fire Island is the last seashore area of its kind and quality that can be salvaged on our North Atlantic coast.

LONG ISLAND ARTS FESTIVAL

Mr. KEATING. Mr. President, during the past summer, the citizens of Long Island undertook to establish an annual Long Island Arts Festival. It was my pleasure to be present at the opening event—an exhibition of paintings—early in the season; and today I

am proud to advise my colleagues that the first season of this festival has been an enormous success.

More than 35,000 people, largely from Long Island, attended weekend performances, which included appearances by the New York City Ballet, the stars of the Metropolitan Opera, concert artists, conductors, and dance companies. More than 10,000 people visited the art exhibition alone. The committee which organized the festival hopes eventually to construct a music shed in a wooded area, and will in the future present in the theater lectures on music, in addition to concerts, opera and plays.

This ambitious undertaking will bring the arts to thousands of Long Islanders, and also will provide an additional attraction to the many people who visit the New York metropolitan area each summer. I know that many of my colleagues will be interested in this arts festival; and I hope its success will give impetus to similar programs in other States.

Mr. President, I ask unanimous consent that an article concerning the festival, which appeared in the Long Island Commercial Review, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INITIAL LONG ISLAND ARTS FESTIVAL SEASON IS TERMED "UNQUALIFIED SUCCESS"; PERMANENT FESTIVAL SITE SOUGHT

Officials of the Long Island Arts Center Inc., which presented the first annual Long Island Festival of the Arts this summer described the festival, which ended on August 30, an unqualified success.

The concluding performance by the Broadway matinee cast of "Who's Afraid of Virginia Woolf?" was staged at the Hofstra University Playhouse. Other performances during the season, which was launched July 12 with an art exhibition at the Jacob Swirbul Library of Adelphi University, were held in a tent on the campus of C. W. Post College.

In announcing future plans of the art center, President Norman E. Blankman pointed out that more than 35,000 people, largely from Nassau and Suffolk, turned out for the weekend performances which included appearances by the New York City Ballet, Metropolitan Opera stars, Pianists Lorin Hollander and Jose Iturbi, Conductors Morton Gould, Carlos Chavez, and Laszlo Halasz, and the Paul Taylor Dance Company.

More than 10,000 people visited the art exhibition alone, the greatest number to attend any art show on Long Island. Early in August, four additional performances of "Who's Afraid of Virginia Woolf?" were added to the schedule to answer an unprecedented demand for tickets.

According to Blankman, the summer arts festival with the cooperation of Nassau and Suffolk Counties will become a permanent institution and will be housed in a Tanglewood-type shed on one of three sites on the North Shore under consideration by the architecture and site committee of the center. The North Shore has been selected as a summer location because of its natural beauty and because of its comparative lack of airplane traffic, according to officials.

"It is our plan to enlarge next summer's program to the point where it will include every art form available," Blankman emphasized, "We visualize, for instance, a wooded area where people can stroll along

16870

CONGRESSIONAL RECORD — SENATE

September 23

shaded paths and admire sculpture that can be displayed to its best advantage in an atmosphere of natural beauty. In addition, we hope to offer demonstration lectures on music and theater by outstanding artists, and our big hope for the future is to establish a high school of music and art at the winter site."

Eventually, Blankman said, the festival will exceed those now offered throughout America and Europe. The summer location will take over outdoors where the winter program ends at a planned site on Mitchell Field, which it is hoped, will also be operated by the Long Island Arts Center Inc., along similar cultural lines, on a contractual basis with the county.

The initial festival this summer attracted national attention and gave impetus to similar programs planned elsewhere. The Saratoga Westbury House, the former John Phipps home, is open regularly from May through October and is furnished, as if the family were still living there, with fine antique furniture, beautiful oriental rugs, paintings by such masters as Sir Thomas Gainsborough, Sir Joshua Reynolds, Sir Henry Raeburn, and John Singer Sargent; hand painted wallpapers, exquisite wood and marble carvings, silver and crystal chandeliers, and tapestries.

The 70-acre Gardens are currently in bloom with late summer flower favorites such as zinnias, marigolds, hibiscus, tuberous begonias, and hundreds more. About September 25, the chrysanthemum display for which the Gardens are noted will be coming into bloom.

KITTATINNY-SHAWANGUNK SKYLINE DRIVE

Mr. KEATING. Mr. President, on August 2, I submitted a resolution, which was cosponsored by six other Senators, which calls for a study by the Department of the Interior of the feasibility of a scenic highway to be built along the Kittatinny-Shawangunk Mountain range, in Pennsylvania and New York.

All of us have enjoyed the beauty of the Skyline Drive, near Washington; and I believe a similar highway would be a fine thing for the people who live near New York City. A recreation area to be constructed at Tocks Island, in the Delaware River Basin, has also been proposed, and it would, I think, go hand in hand with the construction of this new scenic highway.

The Lions Club of Port Jervis, N.Y., has passed a resolution in conveying their complete endorsement of both proposals. I ask unanimous consent that their resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION BY PORT JERVIS LIONS CLUB

Whereas population growth in the great metropolitan centers of the Northeast is causing a race for open space and the exhaustion of areas and facilities for outdoor recreation; and

Whereas our public officials recognize the need for planning now for open space for recreation and have proposed the establishment of the first national recreation center east of the Mississippi at Tocks Island in the Delaware River Basin; and

Whereas the planned Delaware River Marine Park can be extended and complimented by a scenic parkway system on the ridge of the Kittatinny-Shawangunk Mountain Range, being an extension as proposed some

30 years ago of the Appalachian Parkway System; and

Whereas such a parkway would be of great scenic beauty and attractive to lovers of nature and would provide for outdoor recreation, particularly for pleasure driving in a manner that is so highly appreciated by the public as shown by their patronage of the Blue Ridge—Skyline Drive—Great Smoky Mountain Parkways, all of which now have no counterpart in the Northeast, and

Whereas such a recreation area and parkway would compliment the great hotel and resort industry of the area and would add to the economic welfare and development of the several States affected, as well as provide healthful and beneficial pleasure to all: Therefore be it

Resolved, That the Lions Club of Port Jervis, N.Y., endorses the Tocks Island plan with its proposed National Marine Park; and be it further

Resolved, That our public officials and civic organizations be requested to support actively the proposal of the National Park Service first advanced in 1930, to extend the Appalachian Parkway through the Kittatinny-Shawangunk Mountains, or in any other appropriate manner to create a national recreation area in these mountains.

Rocco J. Meloi,
President.

RESOLUTION TO CONFER LEGISLATIVE AUTHORITY UPON COMMITTEE ON SMALL BUSINESS

Mr. KEATING. Mr. President, at the very opening of the 88th Congress, the able Senator from Vermont [Mr. PROUTY], in behalf of himself and other Senators, introduced a resolution (S. Res. 30) to confer legislative authority upon our Small Business Committee. I am pleased to have been one of the original cosponsors of this resolution, and am gratified that as of the present time a total of 54 Senators have lent their names and thereby pledged their support to this measure.

Mr. President, I intend no criticism of our Rules Committee; to which this resolution has been referred, or of any of its members—who, as has every other Senator, have been working hard and diligently on pressing legislative tasks—when I say that it always strikes me as anomalous to see any bill or resolution which has been declared for in advance by a majority or more of the Senate, languish in committee for so long without the taking of action. This resolution is not a sensitive measure which would provoke regional passions or would raise difficult constitutional questions. It is simply a proposal to augment the powers of one of the Senate's own committees—to be sure, at the expense of existing power of other committees; but, nevertheless, a proposal which surely can be settled one way or another "within the family," without breaking any heads. I like to think always that Senators are reasonable persons who should be given a chance at least to debate and pass on such measures.

Since the very beginnings of the Republic, Congress has been subjected to much criticism, most of it exaggerated, but still some of it well founded. However, I can think of fewer things which reflect as adversely upon the Senate as its inability to debate, on its merits, a resolution sponsored by a number of

Senators more than sufficient to adopt it.

As a firm believer in the committee system, I urge the Rules Committee to take action on Senate Resolution 30 at its earliest opportunity, in order that at least faith in that system may be nourished, and in order that we may get a chance, before this session draws to a close, to consider this measure, which is of great importance to unified, coordinated legislation affecting the lives and destinies of the small businesses and their employees, who constitute a vital segment of the American economy.

WEST VIRGINIA'S NEW MAIL SERVICE IMPROVEMENTS PROVIDE STATEWIDE OVERNIGHT DELIVERIES

Mr. RANDOLPH. Mr. President, I am privileged to commend the Post Office Department for having instituted new mail service improvements in West Virginia.

It is interesting to note that West Virginia played a prominent role in one of the most far-reaching and significant of all developments in the American Postal Service—rural delivery. In October 1896 rural delivery was introduced in Charles Town, W. Va. This daring new service was enormously influential in unifying the rural and urban population.

Now, approximately 67 years later, there has been developed a Statewide, overnight mail service in West Virginia. And it has been accomplished with an actual reduction in postal expenditures.

Since the inception of rail service during the closing decades of the last century, West Virginia has experienced unique postal service. An unusual pattern of transportation, coupled with widely diversified commercial and business influences, acted to decentralize rather than knit together the Mountain State. The nature of transportation and business has served to create problems in the inauguration of a statewide overnight mail service. The transportation pattern, prior to July 1, was the result of several historical developments. West Virginia is traversed by three major railroad companies, each serving a rather distinct area. One railway traverses the northern section from east to west; another line crosses the central part; and the third borders the State on the south and west. Very little in-between transportation was available. North-south connecting links were almost nonexistent. Consequently, in many instances, mail originating in West Virginia destined for another portion of the State was required to go outside our borders to either the eastern or western termini of these railroads for rerouting back into the State.

The business factors affecting postal delivery are perhaps even more difficult to reconcile. The western area of West Virginia is closely linked to the State of Ohio for commercial reasons; the northern portion has strong industry ties in western Pennsylvania; southern counties have important interests in Virginia; and the eastern "panhandle" is vitally concerned with Washington, D.C., Maryland and eastern points.

1963

CONGRESSIONAL RECORD — SENATE

16889

garia. Before his execution, Nikola Petkov was the leader of the opposition in Parliament and had used his position of leadership to criticize freely the Communist exploitation of property in Bulgaria and the cruel repression of the Bulgarian people.

Mr. President, the memory of Nikola Petkov symbolizes the spirit of freedom which still exists in this country. Although their Soviet masters are continually trying to silence this dedication to freedom, the spirit remains very much alive in the hearts of the Bulgarian people—people who have experienced the cherished liberties of a free society and who will never be fully satisfied until foreign domination is cast aside and Bulgarian independence is once again restored.

Mr. President, on this day which has been proclaimed the Bulgarian National Day of the Fight for Freedom, Independence, and Democracy by the Bulgarian National Committee, we Americans join the Bulgarians of the world in paying a solemn tribute to Nikola Petkov—the courageous man who gave so much in the name of freedom. Let us also take this occasion to extend our hand of friendship to the Bulgarian people and once again to remind them that we are working and praying for their eventual liberation.

THE NATIONAL ECONOMY

Mr. BYRD of Virginia. Mr. President, the lead editorials in the Wall Street Journal in its past three editions have been entitled: "A Dangerous Diagnosis," September 19, 1963; "The Urgent Need," September 20, 1963; and "The Flexible Reins," September 23, 1963.

These three editorials contain facts and views which are pertinent to fiscal legislation now before the Congress, which should be of interest to both Members of Congress and the general public.

For this reason I ask unanimous consent to have them printed in the body of the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Sept. 19, 1963]

A DANGEROUS DIAGNOSIS

For a good while now the administration's economic doctors have had a simple diagnosis for many of the Nation's ills: We've just lost our old zip. If the economy could only regain its old growth rate, unemployment would dwindle and Federal budget-makers could go back to using black ink.

Proceeding from this analysis, the Government prescribes and applies such supposed zip-producers as ever-easy money and ever-rising Federal spending. Strangely, the ills they talk about refuse to go away.

What's wrong? One of the clearest answers to the question comes, oddly enough, from an economist within the Government itself. Writing in the current Federal Reserve Bulletin, Federal economist Clayton Gehman explains that the original diagnosis is faulty. Not only that; it can be downright dangerous.

In the past half dozen years the economy has been doing a lot better than its critics claim. In fact, says Mr. Gehman, "growth in U.S. economic activity in recent years has been close to long-time rates."

How can this be? Mr. Gehman would seem to be flatly contradicting the recent Manpower Report of the President, which noted that the annual growth rate of the Nation's goods-producing industries fell from 3.4 percent in the 1947-57 decade to 1.5 percent in the period from 1957 to 1961.

The answer chiefly lies in the way some statisticians use statistics. For one thing, this 1947-57 period reflected some unusual conditions, such as the Korean war buildup, that could not reasonably be expected to continue.

But that's not all; the 1957-61 period is a peculiar choice for economic comparisons, too. A business expansion was reaching its crest in 1957, while 1961 marked the low of a recession. So to say that the economy wasn't making headway during that period is a little like saying that a man who, in crossing the Alps, has moved from one mountain's crest to the bottom of another hasn't made much upward progress. It's quite true, but hardly significant.

For the fact is that the economy, after 1961, moved a long way toward a second crest. Extending economic statistics through 1962 and into 1963 makes the recent period look far better. Our growth rate then comes much closer to matching that of the postwar decade despite the special circumstances present in that earlier period.

If the economy has been doing so well of late, someone is sure to ask, why does it have surpluses of materials, productive capacity and—most painful of all—manpower?

The reason, as Mr. Gehman explains, is that the economy has not only been growing bigger but has been getting more efficient. This stems from more than the introduction of new automated equipment. It also results from such factors as improved control of inventories and more systematic scheduling of production. No longer are unneeded materials and products allowed to pile up so high in warehouses.

In this more efficient economy, some resources are not only unemployed. Old factories, to find a place, may have to be rebuilt; some workers will have to be retrained. Easy money and big budget deficits are likely to be of little help. In any circumstances, there's a poor prescription for solid economic growth; its failure in the 1930's should have made that clear.

In the current circumstances, the prescription may only lead to increased trouble. For it is the economy's stock of unemployed resources that the Government is always citing as our protection against sharp inflation. The inflated demand, so the reasoning goes, will be easily absorbed by the unused supply of materials, manpower and factories. But the idle supply of usable, effective resources is simply not as big as it's cracked up to be; sooner than some people think, these resources can be stretched past their limit.

Still, the Government goes on administering its inflationary monetary and fiscal remedies for our ills. And things are never too hopeful for a patient whose doctor starts out with a faulty diagnosis.

[From the Wall Street Journal, Sept. 20, 1963]

THE URGENT NEED

Hardly anyone, we would suppose, will disagree with President Kennedy's observations the other evening on the desirability—even the "urgent need"—of lowering the Nation's tax burden.

The weight of that burden is not only a senseless injustice to the people but, as the President said, is economically harmful in that it oppresses savings and investment, raises cost of production, narrow markets and in general deprives the people of the resources "to keep this country growing and healthy."

But there are a good many people, including ourselves, who do not think the burden of taxes can be separated from the

burden of the Government's spending, since this is the sole cause of the tax burden. Therefore it is not possible to deal with the one and not the other. To pretend that the Government can reduce taxes without reducing the burden that causes them is to perpetuate a fraud upon the people.

Bernard Baruch put it aptly many years ago: "Whatever is done in one direction inspires some counterbalancing action by other parts of the economy. Many acts of Government intervention in the field of economics fail for just this reason: Because they are taken as isolated, piecemeal moves instead of being fitted into the whole economy."

In this instance, if the Government reduces taxes while it has a \$9 billion deficit (or more) that \$9 billion must be taken out of the hide of the economy in some other fashion. In practice the Government will simply print up 9 billion paper dollars. The resulting inflation will take back from the people the relief which the Government professes to give by "lower" tax rates.

Moreover, it is not true that every tax bill that offers "lower" rates is all to the good. Individual parts of the bill itself cannot be taken as isolated, piecemeal moves. And the whole of this particular tax bill is by no means an unqualified boon to the public weal.

For example, it is wrong to imply that every wage earner and every businessman will find his taxes lower as a result of this bill. The effect of the changed rules on the particular situations of some people will be increased taxes. What is true is that something like a million taxpayers will be removed from the Federal tax rolls entirely.

This, no doubt, is a political blessing for these million voters. But it is no boon for the country. First of all, it is this total forgiveness of some taxes that accounts for the greater part of total revenue loss to the Government. More importantly, it means that some million or so citizens, reaping the benefits of Government, will contribute nothing toward its support. So they will hereafter be little concerned whether the cost of that Government be high or low. A worse example of irresponsible politics would be hard to find.

It is all these things—and not the desirability of lower taxes—that is at issue. And it is all these things—and not a whimsical desire to continue higher taxes—that impels the Republican Members of the House to link the tax bill to the achieving of curtailed spending. They would make tax cuts dependent upon next January's actual budget.

President Kennedy, let it be said, is not unmoved by these arguments. That is why he has now pledged a tighter rein on Federal expenditures, reducing his deficit estimate for the current year and promising to keep next year's deficit to a handful of billions instead of bucketsful. He has even pledged a course leading eventually to a balanced budget.

We are not unmoved either by these welcome assurances. But unfortunately such Presidential pledges have themselves been devalued by inflation. President Truman and President Eisenhower both spoke of their devotion to fiscal responsibility; neither achieved it. Indeed, the grave threat to the dollar which now so harasses President Kennedy is largely a heritage of such broken pledges, both those of his predecessors and his own.

So if there is a certain cynicism in the Congress, that is understandable. And if there is an effort to forge some solid link between tax reduction and spending reduction, that is desirable. For the real cause of the country's economic problems, including the shameful plight of the U.S. dollar, is not just the years of high taxes but the wasted years of almost total economic irresponsibility.

Curing that—not piecemeal tinkering—is the Nation's truly urgent need.

16890

CONGRESSIONAL RECORD — SENATE

September 23

[From the Wall Street Journal,
Sept. 23, 1963]

THE FLEXIBLE REINS

Once again Federal budgetmakers are getting down to their annual task, and once again there's a lot of talk of economy. Specifically, President Kennedy, eyeing the fiscal year that begins next July 1, promises an "ever-tighter rein" on Federal spending.

One way or another, administration officials assert, the fiscal 1965 deficit will be held below this year's expected \$9.2 billion. Such determination may seem admirable, but the cold figures—and past history—make the Nation's fiscal prospects seem something less than encouraging.

There was, for example, Mr. Kennedy's remark of last January that he was going to "limit severely" his proposals for spending in this fiscal year. Translated into statistics, this turned out to mean he was planning to lift outlays by \$4.5 billion to a record high of \$98.8 billion. And it develops that an "ever tighter rein" on spending next year is expected to lead to another new high—of close to \$102 billion.

In such circumstances, some people may wonder how the budgetmakers think they can achieve a smaller deficit next year, especially in view of the fact that the budget will be based on the assumption that Congress will finally OK a sizable tax cut. In reality their thinking is simple enough. They'll just figure that the tax cut will instill so much zip in the economy that revenues will rise more than spending.

Clearly, a tax cut under the right conditions is desirable, to lessen an oppressive burden on the economy. Yet its exact economic impact is not easy to measure. Though administration economists seem to believe the tax cut will unleash a giant wave of new spending, the fact is that a lot of people are likely merely to stash away more in savings or settle up some old bills.

Amid such uncertainties, it is really impossible to be sure that, after the tax cut, there will be any revenue rise at all—much less the gain of \$3 billion or more that the budgetmakers will be counting on. This castles-in-the-air approach to Federal budgeting is no more encouraging now than it ever was.

Its even less encouraging when you realize that, even if all the optimism on revenues should somehow prove well founded, we'll still be saddled with yet another deficit of close to \$9 billion. This cannot help but store up new fuel for inflation, create new doubts about the dollar's stability, and further postpone any truly meaningful attack on our balance-of-payments difficulties.

All this, however, is not to say that the new "economy" drive is entirely without its bright aspects.

For one thing, it's a sort of lefthanded recognition by the administration that some of its earlier economic theories were a bit addled. Any effort to hold down Federal spending, for instance, seems to depart from the idea that Washington can solve all the Nation's problems merely by spending more money—on urban renewal, public works, or whatever happens to come to mind.

Then, too, any effort to keep the deficits from ballooning ever bigger appears to reflect rejection of the oft-expressed notion that such deficits and the resulting increases in Federal debt are nothing at all to worry about. It's true that the restraint talked of now clearly does not go far enough, but at least it's a move in the proper direction.

In part, we suspect, this stems from a recognition of political realities. By now, the administration obviously realizes that there is in the Nation no galloping demand for a tax cut tied to ever-rising spending; otherwise, there would be no need for even the illusion of spending restraint.

It may be that the economic ideas of such men as Senators BYRD and GOLDWATER, so

often dismissed as reactionary, have had their impact on the people. Or it may be that the public simply has too much commonsense to believe that anyone, either an individual or a government, can go on forever spending more than is coming in.

However that may be, we suspect that a good many people are going to be a little dubious about the Government's tight budget reins. Especially when those reins seem to be made of rubber.

QUESTIONS AND ANSWERS ON THE NUCLEAR TEST BAN TREATY

MR. HUMPHREY. Mr. President, in the closing hours of debate upon the question of ratification of the nuclear test ban treaty, it would be well briefly to review the arguments which have been advanced in opposition to the treaty and the answers which have been made to those arguments. I offer this review in order that both proponents and opponents of the treaty may have one more opportunity to reflect on this question which all admit is one of the more momentous to come before the Senate in recent years.

ARGUMENTS STEMMING FROM THE TERMS OF THE TREATY

First. Concern was expressed that the terms of the treaty might limit the right of the President to use nuclear weapons in time of war.

Answer. The President, the Secretary of State, the Secretary of Defense, and the Soviet Government itself—in a statement replying to a similar criticism of the treaty voiced by the Chinese—have all denied that the treaty will have the effect of curtailing the powers of any party in time of war.

Legal opinions of the Legal Adviser to the Department of State and the General Counsel of the Department of Defense conclude that the treaty cannot be so interpreted since the treaty is inconsistent with a state of war and does not expressly provide for its application in wartime.

Second. Concern has been expressed for the possibility that the procedures for accession to the treaty will involve recognition of the East German regime.

Answer. The assurance of the Secretary of State based on the opinion of the Legal Adviser is that recognition is not involved because no intent to recognize East Germany has been expressed by our Government and because article III of the treaty provides for accession procedures which do not involve any dealings between the United States and the East German regime from which an intent to recognize the regime might be implied.

Third. The argument has been made that the treaty may conflict with U.S. commitments to our allies for defensive purposes.

Answer. The Foreign Relations Committee was satisfied and the Secretary of State gave his assurance that the treaty will not affect any existing commitments for defensive purposes with allies of the United States.

Fourth. Concern has been expressed that the treaty will significantly inhibit the U.S. plowshare program for the peaceful use of nuclear explosions.

Answer. The Chairman of the Atomic Energy Commission, Dr. Seaborg, testi-

fied that a great many of the presently proposed plowshare projects can be conducted underground under the terms of the treaty while others for which we are not yet technologically ready can either be conducted under the terms of the treaty or made the subject of future amendments.

Fifth. The question has been raised as to the effect of accidental violation of the treaty either by "a little venting" in connection with an otherwise permitted explosion or by some other occurrence.

Answer. Secretary Rusk stated that the venting problem is one for the future and that it was his understanding that the small accidental breach would not abrogate the treaty.

The problem of differentiating larger accidental explosions from intentional tests would be a factual matter of no great difficulty which could be resolved, if any uncertainty existed and if any danger to our security was feared, by withdrawal from the treaty.

Sixth. The question has been raised whether the definition contained in the treaty of an underground test is sufficiently precise.

Answer. The Secretary of State made the point that a more detailed definition would have been unwise in view of the contingencies which may be created by future technical advance; that obvious criteria exist to differentiate underground from other tests; and that in the event unresolved uncertainty develops threatening our security, the United States may withdraw from the treaty.

Seventh. The argument has also been made, with respect to the treaty's terms, that the treaty contains no assurance that amendments thereto will be subject to the advice and consent of the Senate prior to their entering into effect.

Answer. The treaty makes clear provision for U.S. ratification of amendments to the treaty which, under our Constitution, cannot be obtained without the advice and consent of the Senate.

Eighth. The argument has been made that the terms of the preamble of the treaty commit the United States to eventual nuclear disarmament pursuant to the principles upon which the United Nations was founded.

Answer. No preamble, even to the U.S. Constitution, has ever committed anyone to anything. At most, a preamble can suggest the hopes with which a step was taken.

Ninth. Concern has been expressed that the treaty may have been made contingent upon some undisclosed agreement with the Soviet Union.

Answer. The President of the United States has given his absolute assurance that such is not the case.

Tenth. The argument was made that the treaty might, under its terms, become effective as to the United States prior to its ratification by, and entering into effect with respect to the Soviet Union.

Answer. Under the treaty's terms the treaty cannot enter into effect as to any nation until all three original parties have ratified the document and deposited their instruments of ratification.

Eleventh. Concern has been expressed that in the event of violation of the

1963

CONGRESSIONAL RECORD — SENATE

16891

treaty the United States will be prevented from testing under the treaty's terms for the 90-day period specified in the treaty's withdrawal clause.

Answer: In the event of violation of the treaty by the Soviet Union, the United States may immediately declare itself no longer bound by the treaty and resume testing. The privilege of withdrawal after 90 days' notice exists in addition to the rule of international law just stated.

ARGUMENTS RELATING TO THE SPIRIT BEHIND THE TERMS OF THE TREATY

First. The argument has been made that the treaty is the first in a series of steps into which the United States will be inevitably drawn against its best interests.

Answer: Nothing in the terms of the treaty, in the amendment procedure or elsewhere, has committed the United States to anything to follow this treaty. The present debate in the Senate is evidence that the spirit of the country with respect to future dealings with the Soviets is one of caution and independent thinking.

Second. The argument has been made that the Soviets cannot be trusted because of their past history of treaty violations.

Answer: There is reason to believe that maintenance of the treaty is considered by the Soviets to be in their best interests based on considerations which should apply for some time to come.

In the event of significant violations, the committee has been assured that our detection facilities are adequate and that this Government will be in a position to resume its own atmospheric test program without significant delay.

Third. The fact that the Soviets have determined that the treaty is in their best interests has been urged as an argument against the treaty.

Answer: The interests of the Soviet and United States Governments are not mutually exclusive in every respect. Common interests or a coincidental uniting of different interests in a common step is the basis for any bilateral or multilateral agreement.

Fourth. The argument has been made that the United States may not succeed in maintaining its guard against the Soviet military threat.

Answer: The answer to this argument lies in the will of the American people and its Government which has been expressed with specific reference to the threats posed by the treaty by the assurances of the President of the United States to the majority and minority leaders and by the safeguards of the Joint Chiefs of Staff endorsed by the Foreign Relations Committee in its report and by the President and the chief governmental witnesses.

The safeguards include: First, continuation of a comprehensive, aggressive, underground nuclear test program; second, maintenance of the vitality of our nuclear laboratory facilities and weapons programs; third, the maintenance of a state of readiness to resume atmospheric nuclear testing in the event of violation or abrogation of the treaty; and fourth,

the improvement of the multiple system of detection and identification of foreign nuclear activity.

ARGUMENTS RELATING TO THE RATIFICATION PROCESS

First. The argument has been made that the Senate was not consulted for its advice prior to the signing of the treaty.

Answer: Both the Disarmament Subcommittee of the Foreign Relations Committee and the Preparedness Subcommittee of the Armed Services Committee were consulted throughout the years 1962 and 1963 on the terms and substance of the limited test ban treaty. The full Committee on Foreign Relations reviewed the final text of the treaty prior to its signing.

Second. The argument has been made that the statement of the Joint Chiefs of Staff before the Foreign Relations Committee was not entitled to much weight because they gave their opinion subject to pressure.

Answer: The argument was answered by a categorical denial from each of the Chiefs under oath. Their background and position, quite apart from the oath, entitles them to be believed on this point.

Third. The argument was made that the Joint Chiefs were asked to give an opinion based on political considerations which they were incompetent to judge.

Answer: Since the acceptability of the treaty is not simply a military question, the Joint Chiefs could not testify on that subject without taking into account political considerations. The Chiefs did not in any way minimize the military considerations to be taken into account in reaching their conclusion as to the overall acceptability of the treaty.

Fourth. The argument has been made that the Committee on Foreign Relations did not hear certain witnesses known to oppose the treaty: specifically, that General Power was not called and that Dr. Teller did not appear, as he requested, in executive session before the committee.

Answer: General Power's superiors who were aware of his views and of the facts upon which they were based appeared before the committee. Dr. Teller's qualifications, while great in some fields, did not make him the most competent, or even a very valuable witness, on the particular field concerning which he offered to testify in executive session before the committee. Both men testified at length before the Preparedness Subcommittee.

Fifth. The argument has been suggested that the report of the Preparedness Subcommittee is entitled to great weight because it is based on classified material which could not appear in the report.

Answer: The material upon which the report was based is available to all Senators. Members of the Preparedness Subcommittee had an opportunity to bring out any conflict of testimony based on classified data in executive sessions of the Foreign Relations Committee to which they were invited.

Sixth. The argument has been made that the Committee on Foreign Relations has made its determination based upon

the number rather than the quality of the witnesses.

Answer: In number, the witnesses did, indeed, favor the ratification of the treaty. The qualifications of the opposing witnesses, while undeniable, tended to be confined to areas of knowledge which were somewhat more limited than the subjects on which they testified.

ARGUMENTS BASED ON MILITARY AND SCIENTIFIC CONSIDERATIONS

First. The argument was made that the Joint Chiefs were not adequately represented in the development of policy relating to and the terms of the treaty.

Answer: The evidence is that General Taylor participated in the formulation of the treaty as a member of the Committee of Principals transmitting the Joint Chiefs' suggestions, for example, to revise the withdrawal clause, to the President and communicating the substance of the negotiations to the Joint Chiefs for their consideration throughout the period during which the treaty was in the making.

Second. The argument was made that clandestine tests are a serious risk under the treaty.

Answer: The evidence of the Secretary of Defense on this point was that the Soviet Union could obtain no major results by testing in the atmosphere and deep space or under water without incurring high costs and high risk of detection. Dr. Brown and the Joint Chiefs agreed with the Secretary on this point.

Third. The argument was made that cooperation among Communist countries entails a high probability of successful cheating under the treaty's terms.

Answer: While the treaty expressly prohibits the parties from causing, encouraging, or in any way participating in prohibited explosions whether or not within their own territorial limits, the chief safeguard against this risk lies in the withdrawal clause which permits the United States to resume testing if explosions anywhere in the world, whether or not carried out by a treaty signatory, are deemed to threaten the country's security.

Fourth. The argument was made that the treaty will involve a serious risk for the continued capability of U.S. missiles to penetrate a Soviet defensive system.

Answer: As has been ably stated by Senator ANDERSON the problems of maintaining the reliability of our weapons systems have little to do with the atmospheric tests prohibited by the treaty. Our complex procedures for determining reliability plus the variety and size of our penetration system will remain under the treaty the basis for repeating in this context the oft-expressed view that it is much easier to rely on an offensive than on a defensive weapons system.

Fifth. The argument has been made that the treaty would seriously affect our development of an effective anti-ballistic-missile system.

Answer: It is the conclusion of the best informed expert in the field, Dr. Brown, together with most of the competent scientific and military witnesses, that United States-Soviet ABM development efforts in resolving the problems

16892

CONGRESSIONAL RECORD — SENATE

September 23

of an effective ABM system are comparable in magnitude and success and that future U.S. development will, regardless of the ratification of the treaty, be concerned chiefly with difficulties largely unrelated to the relatively simple nuclear component of the system.

Sixth. The argument has been made that the Soviets may have bested us in developing an effective counterforce threatening the survival of our second-strike capability.

Answer: The variety and dispersal of our land, sea, and airborne second-strike force, including in the near future airborne command and control posts, plus the extreme hardening of the land-based portion of that force based on our own experience as to its vulnerability from tests conducted in the past, provide strong assurance that Secretary McNamara is right in asserting that "the U.S. strategic missile force is designed to survive and it will survive."

Seventh. The argument has been made that the Soviets may have bested us in developing knowledge of the effects of high-altitude nuclear weapons tests.

Answer: The evidence with respect to high-altitude tests carried out for the purpose of determining the effects of nuclear bursts on communications, radar, and on nuclear weapons is that Soviet and United States experience is roughly the same.

Eighth. The argument has been made that, irrespective of our national willpower, our scientific laboratories will inevitably deteriorate as a result of the test ban.

Answer: The test ban relates to what is a relatively small part of the scientific and technological problems which confront us in this area which no doubt explains why, during the 3-year moratorium, laboratory personnel grew by some 50 percent and why little fear was expressed with regard to this argument by the witnesses.

Ninth. The argument has been made that irrespective of our right of immediate resumption of testing in the face of any violation of the treaty, we may be left behind because of the gains experienced in the series of tests violating the treaty.

Answer: The Secretary of Defense and other military witnesses have denied that any absolute advantage could be conferred on the Soviets simply from one series of tests while the scientific witnesses assured the committee that the United States could be ready to conduct proof tests within 1 month and weapons effects tests within 6 months following any violation.

A YOM KIPPUR GREETING

Mr. HUMPHREY. Mr. President, Yom Kippur, the day of atonement, is beyond question the holiest of Jewish holy days. It is therefore, in many respects, a solemn occasion, on which the Jewish people of the world reflect upon the past and plan for the future, with the object of self-improvement foremost in their minds.

Many prayers are recited on this day, in which much is made of prayer, itself,

repentance and charity, the three pillars of the Yom Kippur service. Wrongs are admitted, prayers are sent up beseeching the assistance of the Almighty in the search for purity of heart, and promises are made to assist the less fortunate people of the world in their heartrending pursuit of happiness.

All America can understand the meaning of Yom Kippur, because Americans, as a people, are inclined to follow the same policies, involving prayer, repentance and charity; and all Americans have the responsibility by their national heritage, to indorse the cause of the unfortunate and the downtrodden in every corner of the globe.

On this occasion, in the midst of the Jewish holy days let all of us pray together—Jews and Christians alike—that the time will come when mankind everywhere will truly enjoy the blessings of dignity, security, freedom, and justice. For herein lies the meaning of the Yom Kippur spirit, and the spirit of America, as well.

WELL-DESERVED TRIBUTE TO VICE PRESIDENT JOHNSON

Mr. WILLIAMS of New Jersey. Mr. President, a most interesting column by Gould Lincoln appeared in the Washington Star recently commenting on the great success of Vice President JOHNSON's visit to the Scandinavian countries. The warmth and charm of the Texas statesman obviously captured the hearts of our Scandinavian friends, just as he has won the admiration of his fellow Americans. Besides demonstrating to the people of Scandinavia the continuing loyalty of this country for our European friends, I am sure that the Vice President's conversations with governmental leaders on questions of common interest will be most fruitful and helpful. The column pays a well-deserved tribute to the diplomatic abilities of the Vice President and I know it will be of interest to my colleagues. I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Sept. 17, 1963]

JOHNSON AGAIN ABLE AMBASSADOR
(By Gould Lincoln)

Vice President LYNDON JOHNSON's goodwill tour of the Scandinavian countries, from which he returned today, has been a major success, judging by the warm receptions accorded him, Mrs. Johnson and their daughter, Lynda Bird. The tour, which was proposed by Secretary of State Dean Rusk with President Kennedy's approval, came at an excellent time. The nuclear test ban treaty had been negotiated and hailed as a step—a first step—toward lessening of world tension, particularly between Communist Russia and her satellites and the nations of the West. It was part of the Vice President's mission to stress again the need of the West to keep its guard up—to maintain unity of purpose and defense against any possible Communist aggression. This meant a strengthening of NATO—not a weakening, not a time for complacency and letting the guard down.

Not since the Vice President's historic and successful trip to West Berlin in August 1961, a week after the Communists had

sealed off, with wire and wall, East Berlin from West Berlin, have the Vice President's talents been used more effectively. At that time the West Berliner's morale was at a low ebb, and so was that of all West Germany, fearing that Britain, France and the United States might be lessening their determination to maintain the freedom of West Berlin. Mr. JOHNSON gave them the reassurance they needed, along with a pledge that this country would live up to its promises to the people of West Berlin.

And at the same time President Kennedy sent the Vice President to West Berlin, he ordered 1,500 additional U.S. troops to join the 11,000 already in that city. A million West Berliners turned out to welcome and to cheer the arrival of the Vice President. At one point, he hopped out of his automobile and walked briskly along for five blocks, shaking hands with the West Berliners and stopping to kiss babies.

RENEWS U.S. PLEDGE

It was with the same friendly handclasp that the Vice President met the thousands of Swedes, Norwegians, Finlanders, and Danes who greeted him on his arrival in their countries on the latest trip. His last visit was to Iceland before his final flight back to the United States. The tall Texan has an aptitude for making friends, and winning the confidence of people. While the trip was not made under such dramatic conditions and during such stress as was his visit to West Berlin 2 years ago, it nevertheless had its value, at a time when there has been much suggestion that United States and Britain were inclined to ease off, to let the nations of Western Europe look to themselves. As he did in West Germany and West Berlin, the Vice President pledged again and again the willingness of the United States to fulfill 100 percent its obligations.

Geographically, these Scandinavian countries border or are close to Soviet territory to the North and West of Russia. Their co-operation, in case of need in any crisis with the Communists, would be valuable. They are in position to block the straits leading into the Baltic Sea, Russia's way out by water to the North Sea and far reaches of the Atlantic. In the past, these countries have not had an opportunity to see and welcome a Vice President of the United States, and it was a good stroke, diplomatically as well as realistically, to send Mr. JOHNSON among them.

SAMPLE OF REACTION

A sample of how the Swedes felt about his visit is contained in an editorial appearing in Ny Tid (Social Democratic) published in Goteborg, which reads in part: "The Swedes can feel proud now that for the first time they are paid a visit by a Vice President of the United States. The Goteborgers also feel proud as the program provides room for a quick visit to their city. Since we are not allied with the United States (Sweden remained neutral in the last world war) there are hardly any urgent reasons for either President Kennedy or his alternate to control on the spot the tenure of our relations. When, nevertheless we receive a visit it probably is because we mean, or are considered to mean, something in the world. LYNDON JOHNSON has been given a much better reception in the Swedish press than Nikita Khrushchev, both when the latter canceled his visit after the press attacks and when some newspapers now want him to cancel it anew." The editorial spoke highly of Mr. JOHNSON's abilities.

In Denmark, the Vice President called for continued NATO defense efforts, and he voiced the same plea in Norway. He impressed on their leaders the need for being on guard in periods of relative relaxation—such as that which may follow the ratification of the test ban treaty. He received assurance on their part.

Appendix

Installation Address of George Pierre, Chief of the Colville Indian Confed- erated Tribes

EXTENSION OF REMARKS

OF
HON. K. W. (BILL) STINSON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 23, 1963

Mr. STINSON. Mr. Speaker, I recently read a very awe-inspiring address made by one of my constituents, George Pierre, on the occasion of his installation as Chief of the Colville Indian Confederated Tribes.

It is with a deep sense of pride that I can say that Chief Pierre is not only one of my constituents but also a personal friend. He is a man of outstanding ability and has earned four college degrees. While serving his country in the U.S. Marines during World War II he received a combat wound. He has also achieved distinction as a motion picture writer, novelist, and as an authority on Indian Affairs. For the past 50 years, his father, until his death, served as Chief of the Confederated Tribes and George Pierre, as Chief, will oversee 1½ million acres of land and 5,000 Indians for the remainder of his lifetime. He is a man of whom America can indeed be very proud. It is, therefore, a rare privilege and honor for me to insert this inspiring installation address of Chief Pierre in the CONGRESSIONAL RECORD:

INSTALLATION OF GEORGE PIERRE AS CHIEF OF
COLVILLE CONFEDERATED TRIBE, JULY 6,
1963

For a subject worked and reworked so often in novels, motion pictures, and television; the American Indian remains probably the least understood and most misunderstood American of us all.

To preclude further misunderstanding, and to insure continuous understanding, we, the full citizenry of the United States, have a dual responsibility. We must help to restore the Indian's pride of origin and faith in himself. We must arouse in him a desire to share in the benefits of modern civilization.

To encourage pride in the American is not to turn back the clock. On the contrary, it is to recognize that Government policy has hitherto failed to use this vital factor effectively as a force for assimilation and for enriching American culture.

Therefore, only men who have a foot in each way of life and an appreciation of both can effectively lessen the gap which divides the two and thus cross-fertilize both.

Harvey Davis, retired from the Coast Guard and a professional news photographer; the Paul attorneys, William Paul, Sr., Fred Paul, and Bill Paul, Jr.; Dr. Fox; Dr. Perry; Boeing Engineer Wilbur Betts; and myself, to name only a few, are men of Indian heritage who went forth into the American way of life and achieved a full measure of success. We are the men who can serve as a

bridge to enable others to move freely between the two worlds.

We can furnish a degree of understanding which will preclude trial and error. We are the men who stand on the horizon—we can greatly assist the white man to achieve a full understanding of our people. We feel that we have a responsibility and an obligation to our people. And we will discharge these duties with full understanding.

No one can give you this understanding. If you don't have it, you cannot learn it. You have to be born with it. It is a birth-right—if a person doesn't know this, you cannot tell him. To illustrate my point, I will cite an experience that Louie Armstrong had while he was touring in Poland. A Polish boy asked him, "What is jazz?" Louie slowly turned toward the boy and drawled, "If you don't know, I can't tell you." What Louie meant was that there are some types of understanding you have or you don't have. If you don't have it, it is impossible to get it. If you have it, it is there and that's that.

Of course this is not to say that in order to understand the Indian, you have to be a full-blood. I know white men who understand. All the men on this platform are men of that caliber. Our honorary chief, Governor Rosellini, and our tribal attorney, Lyle Keith, are men of that caliber.

The point that I make here, that point that I have tried to make for 20 years, the point that I shall continue to make for 20 more years if need be—is that we have men of Indian heritage who are willing and able to help our people, but the powers that be do not utilize these good men.

I believe that we need some imagination in high places. The type of imagination that picked the United States up by the bootstraps a couple of hundred years ago and put America on the map.

Because of this, the United States was destined to accomplish great things, and as it evolved through nearly two centuries of changing times, conditions, and pressures; our greatness as a nation readily became apparent. The expansion across the continent, the Civil War, the building of the railroads, industrial development, growing involvement in world affairs, the airplane, two World Wars, space exploration—none of these could be foreseen by the Founding Fathers. However, without these trials—the plaques of merit and the stumbling blocks of ignorance—we would not have tested the bitter fruits of fear and strife nor the sweet fruits of freedom. We would not have taken our freedom seriously not only to cherish above all else but to share with others less fortunate than ourselves.

That is why we, today, are moving heaven and earth to guarantee, for ourselves and the peace-loving nations of the world, freedom. In order to achieve this, we are arming ourselves to an extent that heretofore was unknown to man in war or peace. It is our belief that we must be strong to insure freedom.

The cause of freedom is not an idle pipe-dream with us. Our Nation was born under the star of freedom. And to a large extent, our inherent and undying love to be free, down through the years, made this Nation under God truly great.

And my people, the American Indian, contributed mightily to that greatness. This country must not forget the contributions that my people gave, at times reluctantly, but mostly freely, gladly, and willingly.

We need to remember the contributions, spiritual as well as physical, our Founding Fathers found here in America and from which they borrowed so generously. We, and I'm speaking to my people, we need to remember and be proud. We need to regain that living faith in ourselves, the faith which carried us upright with our faces held skyward for untold centuries. We must shake off, we must lose this horrible shame which we have as a people. Sometime in the past 200 years we acquired a terrible inferiority complex, a living shame as a people. No one knows the exact time or the reason that this hideous spell befell upon my people. It might have happened when we were being pushed into the foothills of the Alleghenys, or when we were forced beyond the Alleghenys and across the Mississippi and the wide Missouri. It might have happened when we were beaten and forced onto reservations. And then again, it might have happened during the decade after decade of object poverty. No one knows the exact reason we, as a people, possess this malignant shame.

However, take faith, my people; I know how we shall overcome this handicap. I know how we can take this negative experience and turn it around and change it into confidence, faith, and pride, change it into strength, freedom, and greatness.

The answers are simple and varied. The answers lay in our magnificent past. We must displace shame with pride, inferiority feelings with confidence, disbelief with faith and hope, weakness with strength, guilt with freedom, and backwardness with greatness.

We must examine the great contributions that we made to America. We must examine our history and understand it and use it to build a better future for us all.

When my people the American Indian, controlled the balance of power, the settlers from Europe were forced to consider our views, and to deal with us by treaties and other mutual agreements freely arrived at. The pioneers found that in the southeast there had developed a high civilization with safeguards for ensuring the peace. A northern extension of that civilization, the League of the Iroquois, inspired Benjamin Franklin to copy it in planning the federation of States. Therefore, my people, centuries before the coming of the white man, had found a strength in unity to preserve peace. Today we shall find strength in a rebirth of faith, hope, confidence, and freedom.

Only he who makes his people free, can make them strong; and only he who makes his people strong, can make them great.

By great people, I mean people like the giants who came here in the beginning. They, our forebearers, whose conquest was the North American Continent and even more than that they were conquerors of the Western World—the land, the water, and the heavens above.

The Indians are a fine group of Americans, and don't let anybody tell you any different. As a people, their patriotism to country and to God is without parallel in this era of questionable loyalty. Not one Indian do I know of is a Communist or leftist sympathizer; not one a fascist; not a single one has defected or committed treasonable acts against his country.

The forebearers of these fine people, my people, on October 12, 1492, stood on the shores of the great land which was to become

A5951

A5952

CONGRESSIONAL RECORD — APPENDIX

September 23

America and watched the first white man arrive. My forefathers loved their land then. Today, my people hold the same deep love for their land.

The continent of North America is very dear to the Indian—to us all. Every part of this land is sacred to my people. Every hillside, every valley, every mountain and plain has been hallowed by some fond memory or some sad experience of my people. Even the rocks, which seem to lay stupid as they swelter in the sun along the silent river banks and lake shores in the solemn grandeur thrill with memories of past events connected with the lives of my people.

The very dust under our feet responds more lovingly to our footsteps than to non-Indians, because it is the ashes of our ancestors, and our bare feet are conscious of the sympathetic touch, for the soil is rich with the life of our kindred.

By strong people, I mean strength in depth. I mean economic solidarity, planned economic development. I mean strong willed men of courage. Brave men who have the courage of their conviction, who can develop their land, build their homes and mills from our vast timber resources. Strong men who can work the land and raise tremendous herds on our great land resource. Enterprising men who can uncover minerals from our untapped mineral resources.

By free people, I mean freedom to choose what you want. Freedom to do with what is yours as you wish. I mean that independent integrity that guarantees you the right to govern your own destinies. If you want your land and gold claims paid out in per capita, then your wish should be law. If you want State jurisdiction, you and you alone should decide this by popular ballot. Nobody in Olympia or Washington, D.C., should tell you what to do, rather they should ask you, "Should we do this or that?"

The freedom of choice should be yours. We came before the Government and its agencies and bureaus. It is because of us that these agencies and bureaus owe their existence—without us they wouldn't be. However, in actuality, the opposite seems to be the case.

We need a public relations system that will tell our story to our fellow citizens and the world. We need to tell them of conditions on our reservations and what is being done to better and improve conditions for our people.

I pledge that this shall be done.

I pledge, standing here where the proud Chief Joseph, the brilliant military tactician, led his people against the U.S. cavalry; and here where the wise and lofty minded Chief Moses hunted in the mountains and fished in the rivers and streams; and here where Moses, Joseph, and the other Colville chiefs have their final resting place.

I pledge to you here and to all those people throughout our great land who wish us well—I pledge that as long as the red blood runs through my veins, I shall work toward the freedom, strength, and greatness of my people. And I pledge that, as long as my heart beats to the rhythm of life, all of my strength and power will be directed toward the welfare of my people.

The first order of business in promoting the welfare of the American Indian is to assist in the development of the land and human resources. I can visualize development of our reservations. Our reservations shall be beehives of activity. There will be development and enterprises here that stagger the imagination. We shall flourish. Our lives will be full, and our lands complete.

Now let's get down to specific cases. Case in point: Colville Indian Reservation—nearly 1½ million acres of land; nearly 1 million acres of timber, untold mineral resources; abundant grazing lands; abundance of lakes, streams and river shores.

We know what we've got—land, minerals, timber, and water.

We know what we want—to increase our annual income from \$300 to \$5,000. Instead of the \$300 per capita payments that you now get, each one of you will receive \$400 a month for life. And as the years go by, this amount will increase.

We know what we need—to raise our standard of living. We need to build homes for our old people. We must guide our young people. We must show them how they can participate in a housing program that will benefit them. We must train our young people in sensible occupations—occupations with which they can make a decent living. We must train them for jobs that will be mutually beneficial to the tribes as well as them. We should find jobs for our people—today there is no excuse for young people to be out of work.

We know how to get it—by planned economic development, by work, by persistence, by applied imagination, by organization, by energetic leadership. By setting goals and making a timetable for accomplishing these goals.

I firmly believe, with the proper local and national government cooperation, with the proper group participation, with the favorable community relations, we can have \$50 million invested and working for us in 10 years time.

We can succeed, because we know what we've got, we know what we want, we know what we need, we know how to get it. Therefore, let's set our goals, let's make our plans, let's set up a timetable, and now let's go get it.

Opposition to the Nuclear Test Ban Treaty

EXTENSION OF REMARKS

OF

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, September 23, 1963

Mr. THURMOND. Mr. President, I have received a very interesting letter from Mr. R. Harland Shaw, of Chicago, Ill., expressing the opposition of many small businessmen to the ratification of the Moscow test ban treaty. Mr. Shaw is chairman of the Conference of American Small Business Organizations which has headquarters in Chicago and Washington, D.C. I ask unanimous consent, Mr. President, to have the text of his letter printed in the Appendix of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONFERENCE OF AMERICAN
SMALL BUSINESS ORGANIZATIONS,
Chicago, September 20, 1963.

Senator STROM THURMOND,
U.S. Senate, Washington, D.C.

DEAR SENATOR THURMOND: In the short time allowed for consideration of the test ban treaty it has been impossible to prepare and circulate among our members a study of its probable longrun implications for small business. If the treaty lasts any great length of time, I think its implications for our movement are quite serious. I must therefore submit to you, as one of the Senators opposed to the treaty, my personal views on the historical experience of small business with such "new era" concepts.

We have no special military knowledge, but as a group, small businessmen have had a lot of experience with human nature.

I believe that a sound basis for relating proposals like this treaty, to the everyday experience of independent business, is to look at its history. We are not aware that students of history, or professional students of human nature, were called extensively as witnesses by the Senate committees. I think perhaps we as a class when looking back on our history, can claim at least amateur status in these fields.

It seems to us as if this treaty is being considered generally with eyes on the supposed present and future, but without any attention to the past. I shall endeavor to draw on the small businessman's long historical background.

Next to the family, the small businessman is the world's oldest economic entity. The chances are that tools were his first article of commerce, and if so, he has been around for about 1,750,000 years—the age of the oldest tools so far discovered. The entrepreneur goes back a long way.

There are clearly discernible trade routes which existed between 7,500 and 10,000 years ago—long before any organized empire that we know of. The goods carried on those routes must have been made by individual or family craftsmen and carried by traders who were entrepreneurs. Some of those routes are thousands of miles long, in Asia Minor and Southern Europe. For the means of transportation at that time, this was proportionately farther than going around the world today. The small businessman is an oldtimer at "world trade."

Thus in due course, when empires arrived, the small businessman had already been around a long time.

Passing by endless fascinating stories of his part in various empires; of the transition from the tool to the machine tool (hand-powered, about 600 B.C.); of the great expansion of small business under the long peace of the Roman Empire; of the "Dark Ages" and the Industrial Revolution—passing by all the details of these, let us come to the main question: What does the experience of these thousands of years tell the small businessman about the characteristics of government, and of international affairs, under which he does best?

Four characteristics appear required for the small businessman to prosper:

1. First and foremost, "civil order," the absence of armed conflict for the longest possible period of time over the widest possible area. Your local trade, right where you are, is hurt when there are wars and rumors of war right over the border. "Peace," in the everyday sense, is the greatest need of the small businessman. His numbers were decimated in every period of war in Europe.

2. An atmosphere of inquiry, experiment, and invention, with property rights in the results thereof. For lack of these, small business was stifled in the Babylonian Empire; having no expanding frontier of knowledge, Hammurabi fell back on a police state. He had "order," but it was a dying order.

3. A hard money option: the right to demand and receive silver, or gold, or even the "red feather currency" still in vogue in the South Seas today, in lieu of paper money or the king's coins.

4. A climate favorable to free enterprise, on the part of the government. It may seem strange for this to be found in fourth position, instead of first, on behalf of the small businessman. But this is what the centuries say. Given the first three requirements, the small businessman can endure a good deal of adverse "climate." In fact, his "hard money option" enabled him to do a good deal to improve the business climate, in the 17th and 18th century England.

Anyone claiming responsibility for leadership of small business must, therefore, examine the pending "A-treaty" in the light of the foregoing experience.

1963

CONGRESSIONAL RECORD — APPENDIX

A5953

My answer must be, that if the treaty is seriously persisted in for any length of time, it clouds all four. Because after a period of time under this treaty, we shall be more and more under the thumb of the Russians, for reasons set forth below. And for particular reasons of face and force, we shall have lost auxiliary strength in the discouragement of our realistic friends throughout the world including those behind the Iron and Bamboo Curtains.

The direct impact of the treaty is on the first two characteristics above; its indirect and consequential impact, on the second two. In the small businessman's historical experience, military force either underwrites a sound or an unsound view of the human situation, and his fate is determined more by the sound or unsound than by the military force which supports it.

When asked by any of my members what I think about this treaty from their standpoint, I must reply that the deal is either bad, or phony, or both. My reasoning is related to the fundamental human nature with which the small businessman has lived for centuries and millennia. He has been offered a new deal of some kind at intervals at least as far back as the "Epic of Gilgamesh" about 6,000 years ago. It has always turned out to be a phony deal in the end. He has had the same old human nature to deal with. In the light of the evidence below, no change in human nature is taking place right now or is going to take place in the foreseeable future. Hence there will be no new era. We have got to make and keep the peace, for the longest time we can, among men as they now are, to benefit the small businessman. The evidence says that this treaty is not the way to do it. It will increase tension on balance, not diminish it. It is a step backward, not forward. My reasons are grouped under headings familiar to students of human affairs, but I have not noticed much under these headings in the reports of debates on the treaty. The considerations appear to me to be as follows:

HUMAN NATURE

Aggressiveness: As the Max Planck Institute of Behavioral Physiology at Wuppertal, Germany, found, "aggressiveness is a basic biological phenomenon. [It is shown] by physiological studies of the underlying neural and hormonal processes. . . . In the human being . . . such behavior . . . will have to be controlled. And the first step in the direction of control is the realization that aggressiveness is deeply rooted in the history of the species and in the physiology and behavioral organization of each individual." The treaty now pending in the Senate supposes that aggressiveness will subside. The experience of the small businessman over thousands of years, and the findings of modern investigation, are the same on this point—it will not. It will have to be controlled. It may be controlled by regulation, but never by prohibition.

Curiosity: Not only the obvious lesson of the infant and growing child—and the Biblical story of Eve and the apple—but all experience through the ages, show that the curiosity of mankind is never satisfied. It may sleep for a while, or may be deadened by conditions, but it is always waiting under the surface when not active. This treaty proposes to stop cold one line of curiosity. It has no more chance of doing so than King Canute had of stopping the tide. And the findings from the underground explosions will constantly stimulate more curiosity (as well as fear and jealousy), until one side or the other will literally explode. The treaty in this sense is ultimately an engine of destruction.

Restlessness: As Dr. John Nef of the University of Chicago has so aptly said, "What was false [about ideas of automatic peace] was the assumption that nations and peoples

of the world would act according to what were, in the long run, their collective material interests; that they would accept the millennium if it were offered to them." The small businessman has been told about the millennium many times. It has never come true. He always finds his own market restless and unpredictable.

This same thing will happen in due course to the market for this treaty. Peace is a process not a condition. On the contrary, the arguments for this treaty look upon peace as a condition to be achieved. This attitude and expectation alone condemn it to failure, in the light of our experience.

Or to illustrate from France in the last century: From 1830 to 1848, France had a good, stable government; there was recovery of order, and business was good. In 1848, the French threw out both the government and the form of government on the slogan, "France is bored." The small businessman is very familiar indeed with this phenomenon. It teaches him that nothing human stays put.

General tension, and tension in the issue of regulation versus prohibition: Why people who lived through the prohibition era would favor this treaty is more than I can see. Prohibition not only (a) has never been successful as to any human activity, but (b) is an invitation to violation. Dam the pressure at a point of great interest and immediately it will rise at other points. The evidence for this is already in hand, in the Wall Street Journal for September 13:

"Secret safeguards against Soviet test ban gains begin taking shape.

"Details can't be told but the Pentagon will deploy more detection devices to check on possible Russian cheating above ground. Included: High-altitude aircraft to sample air for radioactive debris; ground stations to measure shock waves of electromagnetic emanations. A satellite detection system would join in whenever development permits.

"Plans go ahead for speedy resumption of U.S. atmospheric tests if necessary. Two big jet planes get test-measuring equipment. Larger underground shots will probably come anyway. But technicians doubt the yields can approach one megaton, as McNamara claims. Efforts for bigger blasts could actually slow the number of tests possible.

"Extra underground testing figures to cost an additional \$30 million, most of it in this fiscal year."

We are forever listening to preachments about relaxing tension. They are almost irrelevant to the human condition. Life is tension. The problem is to manage it. Instead of constructive management of tension, this treaty is already exaggerating it in two ways—by prohibition and by secrecy—as shown above. The whole theory of relaxing tension is false per se. The alternative to the treaty—a realistic and constructive alternative—is regulation, not prohibition. As Representative Hosmer has proposed, in his article in the Saturday Evening Post on September 7, we need merely "a simple treaty between the United States and the Soviet Union stipulating that atmospheric testing be stopped whenever certain reasonable, agreed-upon levels of fallout" have been reached. This will be the method adopted ultimately anyway, human nature being what it is.

By that time, the United States may not be a party to such a treaty; it may not even be an independent nation, and its small business may have gone by the board. Others will do, eventually, what the United States now refuses to do. That is certain. It is the way human nature works.

If the small businessman has learned any lesson from his history, it is that there is some chance for a generally accepted regulation to work, and no chance whatever for flat prohibitions to work. Someone always

violates the prohibitions, sooner or later. The damage done until this fundamental lesson is relearned by America may be colossal, and the American small businessman may be the chief victim.

DIPLOMACY

The small businessman (as a class) benefited immensely from the long Roman peace, and still more from the peace that lasted about a century from Napoleon to World War I. How was the peace kept in each case? The answer is, by the same methods by which order is kept in a schoolroom—a combination of face and force. The force may often be moral force, but in the end it is backed up by real force. Children are going to be the same problems generation after generation, and they will grow up to be grownups who continue to be the same problems, generation after generation.

Each solution of a human problem, in short, will bring in a new—different—only perhaps more manageable set of problems. Face and force will continue to be the factors that keep peace in the world, time without end.

The important thing to remember here is, that the effectiveness of moral force which Americans like so well depends in part on confidence in its wisdom, and this treaty will really shake confidence in America's wisdom, among those paying attention to history and human nature—especially the experience of the small businessman with both.

The two steps necessary for the American people to understand this cannot well be taken in a hurry. One is for them to relate their experience with children to the behavior of nations. The other is for them to understand how the peace was kept, when it was kept, in Europe. In American classrooms, we read about the successes of American diplomacy, not about the mixture of frustrations, failures, and successes that are the real makeup of diplomacy. So I guess it is a hopeless task to expound this very much. They will have to learn from harsh experience. It is harsh experience throughout history that has taught the independent businessman to be on his guard.

Actually, to judge diplomacy he has only to glance at the schoolteacher in his own community. Consider the multiple choices of the schoolteacher for keeping order. He can rap the knuckles (except where forbidden by rules), or smile, or give out extra homework, or encourage, or send a note home, or keep the youngster after school, or send him to a different seat or to the principal's office, or keep him in at recess—in any combination that his ingenuity suggests. All these tools and more—with expulsion as the ultimate sanction—are in the hands of the teacher and school authorities. With all this flexibility of choice, keeping order in a schoolroom taxes the best of teachers.

Now suppose that the teacher were suddenly told that as to one situation, he had only two choices—to shake hands with a particularly brutal schoolyard bully and let him loose on the playgrounds, or to have everybody engage in dangerous gymnastics. The teacher would say that this was a wholly false situation; that all kinds of alternative choices and combinations existed, and that the situation was forced without rhyme or reason.

That, Senator, is what we have before us today. Our diplomats have boxed themselves into a two-choice situation instead of a multiple-choice situation. This is something frequently fatal in either war or diplomacy, and always unwise in business. No competent small businessman would knowingly risk such a situation, still less seek it out.

To add but a single illustration which has happened within the lifetime of most busi-

A5954

CONGRESSIONAL RECORD — APPENDIX

September 23

nessmen now living, and simply underscores the risk in this situation:

On November 16, 1933, Mr. Litvinoff pledged to the President of the United States that Russia "would refrain from interference in the internal affairs of the United States; would refrain from any propaganda, acts to disturb tranquillity, prosperity, order, or security in the United States; would not permit the formation of any group having the aim of overthrow of the political and social order of the United States," etc.

Five days later, Litvinoff issued a statement which said, "The Third International is not mentioned in this document. You must not read into it any more than was intended."

One month after that, the Communist International met under the walls of the Kremlin and said: "There is no way out of the general crisis * * * other than via the overthrow of the exploiting classes, the confiscation of the factories, banks, mines, transport, houses, stocks of goods of the capitalists [and] the lands of the landlords [and] the church."

Any businessman reading this would say to himself, "Well, when will I get a letter telling me not to read into this treaty any more than was intended?"

SCIENCE

What the blow to scientific experimentation involved in the treaty may be, the small businessman on the outside has no way of knowing. However, he can read the technical magazines. It is no problem to visualize a series of intermediate space stations between here and the moon, all computerized, and dominating not just the world by the solar system. The question would be, what is the source of energy to keep such a system going? And the only possible answer, of course, is atomic energy. Exotic means of converting sunlight and chemicals into electricity exist, but on the voluminous scale required for such an interplanetary operation, the atom would obviously be the big source. Any businessman competent to watch the evolution of technology is capable of seeing this.

So, on the front which will eventually lead someone to dominance, he sees the United States retreating by freezing. He also sees, separately, a theory which as a theory has been bad throughout history—that some line of knowledge should be stopped at a certain point. On both counts, a free scientific atmosphere is inhibited.

Responsible advertisements in the technical magazines now refer matter-of-factly to populating the moon. Space fiction now measures cop-and-robbler stories in terms of light-years. These are more responsible clues to the future than the treatment of human nature which appears in the treaty and its hearings.

It is quite possible that we shall have a fair era of peace in spite of this treaty. But hazards threatening peace, that did not previously exist, have been introduced by the treaty. And new hazards, that the United States will become second-, third-, or fourth-best in the world, have decidedly been introduced.

All of this clouds the outlook of the small businessman in this country.

We shall have retreated on the human-nature front, on the diplomatic front, on the scientific front, and on the military front. Knowing that face and force are indispensable to world order, and that the contribution of the United States to both has been weakened, the American businessman may well wonder whether the next retreat will be on the economic front, where he is. His greatest hope will have to be, that the treaty is merely a passing phenomenon, to be succeeded later by real hard bargaining with the Russians on a durable, give-and-

take basis. That, in the light of his history, would make sense.

I cannot close without quoting from one progressive American now dead, and from two contemporary authorities who might well have been called as witnesses, in the hearings on this treaty, since it is a proposal to rest the future of western civil liberties on the supposition that human beings will be better. This supposition is contrary to all the experience of the small businessman's history. Let me call them in turn, in the order in which they spoke.

Walter Rauschenbusch, the American reformer, 1912: "In the best social order that is conceivable, men will still smoulder with lust and ambition, and be lashed with hate and jealousy as with the whip of a slave driver."

Herbert Butterfield, the English historian, 1949: "It is essential not to have faith in human nature. Such a faith is a recent heresy and a very disastrous one."

Prof. Winthrop Hudson, of Colgate-Rochester Seminary: "A romantic and sentimental confidence in the essential goodness of man, and in the purity of his motives, would seem to be one of the major perils of a democratic society."

These quotations express the essence of the experience of the small businessman over some 6,000 years of history, and they are completely adverse to both the premises and the conclusions of the pending treaty.

Yours sincerely,

R. HARLAND SHAW,
Chairman.

Tribute to the Peace Corps

EXTENSION OF REMARKS
OF

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, September 23, 1963

Mr. CHURCH. Mr. President, the first Peace Corps men are just now beginning to return after serving their 2 years abroad. An uncertain experiment when it began, the Peace Corps must now be recognized as one of the quickest and most unqualified successes in recent American policy. Not incidentally, it has also been a great benefit to the nations in which the corpsmen are serving. The Peace Corps is an excellent example of how a country can serve its own interests by serving the interests of others.

The accomplishments of the Corps have been depicted well by a recent editorial in the Idaho Falls, Idaho, Post-Register. I ask unanimous consent that this editorial, describing specifically the work of corpsmen in Asia, be printed in the Appendix of the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

TRIBUTE TO THE PEACE CORPS

More than 1,200 Peace Corps volunteers are working in 11 Asian countries. Evidently their work is effective, for Asian leaders are honoring them, and another 600 trainees are being prepared for duty in the Far East.

When Peace Corps Director Sargent Shriver went to Manila in late August to receive the Ramon Magsaysay Award for International Understanding, he stood in for all the Americans doing this job.

The Manila Evening News placed the tribute on their shoulders:

"What millions of dollars in machinery

and foodstuffs and other material gifts had failed to accomplish, the Peace Corps workers achieved in less than 2 years—an understanding with Asian peoples that promises to pass all tests."

The Corps volunteers labor in nations which stretch in an arc from arid Afghanistan across the Indian subcontinent to southeast Asia and the Philippines. Mostly they are teachers, but many assist in health, agriculture and community development programs.

Here and there, teachers in the Corps are placed at important colleges and universities. Generally, however, they are found in secondary and elementary schools in rural areas.

The Philippines leads all Asian lands, with 474 Peace Corps workers, nearly all of them teachers. It seems fitting, therefore, that the award to Shriver in the Corps' behalf was created in honor of the late Philippine President Magsaysay, known throughout Asia and the world for his integrity, humanity, and devotion to freedom.

Other Asian nations with large contingents are Thailand, with 225; Malaya, 169; India and Pakistan, about 115 each; North Borneo and Sarawak with just under 100 altogether.

The Corps development work in the Asian countries includes a wide range of projects, not least flood control and irrigation work and the plotting of roads which will open up vast reaches of trackless jungle on the island of Borneo.

Communist cries of "Yankee go home" greeted the mere 17 volunteers who came last May to Indonesia to teach physical education. But that country's leaders offered reassurances, and the workers are still there.

The award citation to Shriver appeared to sum up much Asian feeling about all this. It said:

"In reaffirming the essential community of interest of all ordinary people, regardless of creed or nationality, the Peace Corps volunteers belong to that small but growing fraternity who by their individual efforts do make a difference."

Hardly an American at home could be anything but immensely proud that their countrymen's efforts abroad have merited such appreciation.

Extension of Bonneville Power Authority
Into Southern IdahoEXTENSION OF REMARKS
OF

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, September 23, 1963

Mr. CHURCH. Mr. President, Congressman JOHN SAYLOR, of Pennsylvania, has been engaged in a concerted CONGRESSIONAL RECORD campaign to try to indicate that the people of Idaho do not favor the extension of the Bonneville Power Authority into the southern part of my State. Why Congressman SAYLOR thinks that he is qualified to pose as an expert on Idaho public opinion is beyond my power to determine. The truth is that the extension of the Bonneville Power Authority into southern Idaho has great support in that area, especially among those people best informed about the benefits to Idaho of such an extension. Such a person is Boyd Ressel, manager of the Salmon River Electric Cooperative of Challis, Idaho. Mr. Ressel, along with many other informed peo-

Declassified and Approved For Release 2013/01/04 : CIA-RDP65B00383R000100200006-4

TRANSMITTAL SLIP						Date: 24 Sept 63
TO: DCI <i>Kelley</i>						
ROOM NO.		BUILDING				
7D5607		SCS				
REMARKS:						
↓						
FROM: OGC/LC 7D01						
ROOM NO.		BUILDING			EXTENSION	